

# Title IX: Sexual Misconduct and Harassment Policy

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## Resource Page

### What to do if you experience sexual harassment or misconduct:

Any member of the Rollins community who is affected by sexual misconduct or harassment is encouraged to immediately notify law enforcement and/or seek immediate medical attention. Campus Safety can provide free transportation upon request.

Emergency Response	Health and Safety	Campus Assistance
911	Winter Park Hospital (407) 646-7000	Campus Safety (407) 646-2999
Winter Park Police Department (407) 644-1313 (Non-emergency)		Wellness Center (407) 628-6340

### Resources, Support and Reporting Options:

All individuals are encouraged to make a prompt report to the College so that the College can take appropriate action to eliminate the harassment, prevent its reoccurrence, and address its effects. An individual may seek support and assistance from the confidential resources listed below without triggering a report to the College. Alternatively, an individual who chooses to make a report of sexual misconduct or harassment to the College should use the reporting options below. While we recognize that individuals may report sexual misconduct or harassment to any College employee, we encourage reporting to those individuals who are specifically trained in responding to allegations of sexual misconduct and harassment.

Confidential Resources and Support	Non-Confidential Resources, Support and Reporting Options
CAPS: (407) 628-6340 Health Services: (407) 646-2235 Victim Advocacy: (407) 619-2329 (after hours) Employee Assistance Program (EAP): (877) 398-5816	Campus Safety: (407) 646-2999 Title IX Coordinator: (407) 691-1773 Deputy Title IX Coordinator: (407) 646-2577 Vice President for Student Affairs: (407) 646-2185 Human Resources: (407)646-2369 Dean of Students: (407) 646-2345

## **Introduction**

Rollins College is committed to creating and maintaining a community in which students, faculty and staff can work together in an atmosphere free of gender, sex, and sexual orientation discrimination. Every member of the College community should be aware that Rollins is strongly opposed to sexual misconduct and that such behavior is prohibited both by law and College policy and will not be tolerated. The College is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct and harassment and ensures timely and fair resolution of sexual misconduct and harassment complaints. It is the intention of the College to take appropriate action to end the misconduct, prevent its reoccurrence and address its effect.

As a recipient of Federal funds, the College is required to comply with Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs or activities. Sexual misconduct and harassment, as defined in this policy, is a form of sex discrimination prohibited by Title IX. Rollins is committed to providing programs, activities and an educational environment free from sex discrimination.

## **Purpose of Policy**

This policy is intended to educate the Rollins community on sexual misconduct and harassment and guide students, faculty and staff who have been affected by sexual misconduct and harassment, whether as a reporting party, responding party or third party.

When used in this policy, **reporting party** refers to the person(s) who reports to the College that he/she has been the subject of sexual misconduct or harassment. **Responding party** refers to the person(s) who is reported to have committed acts of sexual misconduct or harassment. A **third party** refers to any other participant in the process, including a witness to the misconduct or an individual who makes a report on behalf of someone else.

The purpose of this policy is to:

- Define sexual harassment and the forms of sexual misconduct that violate our community standards;
- Identify resources and support for all members of the Rollins community;
- Identify the Title IX coordinator and the scope of his/her role;
- Provide information as to where a member of the Rollins community can obtain support or access resources confidentially;
- Provide information on how a member of the Rollins community can make a report on campus or off campus;
- Provide information on how a report against a member of the Rollins community will be investigated, evaluated and adjudicated.

### **Scope of Policy**

This policy applies to all members of the Rollins community, including faculty, staff and students. All faculty, staff and students are responsible for their actions and behavior, whether the conduct in question occurs on campus or in a different location. As such, this policy applies to both on campus conduct and relevant off campus conduct that affects the Rollins community.

Vendors, independent contractors, visitors, and others who conduct business with Rollins or on College property are also expected to comply with this policy. The College will take timely action in all allegations of sexual misconduct and harassment to ensure the safety of the Rollins community and to provide an environment free from gender and sex discrimination.

### **Notice of Non-Discrimination**

It is the policy of Rollins not to discriminate on the basis of sex, disability, race, age, religion, color, national or ethnic origin, ancestry, marital status, veteran status, sexual orientation, gender identity, gender expression, genetic information, physical characteristics, or any other category protected by federal, state, or local law, in its educational programs, admissions policies, financial aid, employment, or other school-administered programs. The policy is enforced by Rollins and, where applicable, federal laws such as Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. The College is an equal opportunity educational institution.

Rollins does not discriminate on the basis of sex in its educational program and activities or in the context of employment. Sexual harassment, including sexual misconduct as defined in this policy, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. Title IX requires that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964 and other applicable statutes.

### **Statement of Privacy and Confidentiality**

Rollins is committed to protecting the privacy of all individuals involved in a report of sexual misconduct or harassment. The College will balance individual privacy with its obligation to conduct a thorough review of allegations to protect the parties and broader community and maintain an environment free from harassment.

Faculty, staff and students wishing to obtain **confidential assistance** without making a report to the College may do so by speaking with a confidential resource listed below. A confidential resource for

students is the Wellness Center (including Counseling and Psychological Services, Victim Advocacy and Health Services). The phone number for the Wellness Center is (407) 628-6340. A confidential resource for faculty and staff is the Employee Assistance Program (EAP). The phone number for the Employee Assistance Program is (877) 398-5816. Please note that limitations of confidentiality may exist for individuals under the age of 18.

With the exception of the confidential resources identified in this policy, all other College staff and faculty who receive a report of sexual misconduct or harassment are required to elevate the report to the Title IX Coordinator or Deputy Title IX Coordinator for investigation and response. The Title IX Coordinator and Deputy Title IX Coordinator will ensure that the College responds to all reports in a timely, effective and consistent manner.

The privacy of all parties involved will be respected. Information related to a report of sexual misconduct or harassment will be shared only with those College employees who “need to know” to assist in the investigation and/or resolution of the complaint. All College employees who are involved in the review, investigation or resolution of a report have specific training regarding the safeguarding of private information.

Where the College has received a report of sexual misconduct or harassment but the reporting party requests that he or she remain confidential and/or requests that the College not pursue an investigation, the College must balance this request with its responsibility to provide a safe and non-discriminatory environment for all members of the Rollins community. The College is required to take all reasonable steps to investigate and respond to a complaint, but its ability to do so may be limited by the reporting party’s request. However, under compelling circumstances including: evidence of a pattern of repetitive behavior, the use of force or threat of force, or the use of a weapon by the responding party, the College may conduct further investigation, or take other appropriate measures without the reporting party’s consent. The reporting party will be informed whenever possible of any action the College takes to resolve the complaint, including further investigation and corrective or disciplinary steps.

If a report of misconduct poses an immediate threat to the Rollins community, when timely notice must be given to protect the health or safety of the community, the College may not be able to maintain the same level of privacy. Immediate threatening circumstances include, but are not limited to: reported incidents of misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to the Rollins community. Under Florida law, the College is mandated to report any abuse of a minor (under the age of 18) to the Florida Abuse Hotline (1-800-962-2873). The reporting party will be informed whenever possible of any action the College takes to resolve the complaint, including further investigation and corrective action.

## **Prohibited Conduct and Definitions**

This policy addresses a broad spectrum of behavior, all of which falls under the broad definition of sexual harassment.

1. **Sexual Harassment:** Unwanted and unsolicited sexual advances, requests for sexual favors, and other deliberate or repeated communication of a sexual nature, whether spoken, written, physical or pictorial, shall constitute sexual harassment when:
  - Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, academic status or participation in College-sponsored activities;
  - Rejection of such conduct is used as the basis, implicitly or explicitly, for imposing adverse terms and conditions of employment, academic status or participation in College-sponsored events; or
  - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or learning environment

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a pattern of incidents for a hostile environment, particularly if the harassment is physical.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Examples include, but are not limited, to:

- Making demeaning sexist statements, humor or jokes about sex or gender-specific traits, crude sexual remarks, offensive stories, remarks of a sexual nature about a person's clothing or body, remarks about sexual activity or experiences, sexual innuendo or other suggestive comments, offensive notes, sexual propositions, or insults and threats that an individual communicates are unwanted and unwelcome.
- Displaying or circulating of written materials or pictures degrading to an individual(s) or gender group.
- Engaging in inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing or brushing against an individual's body.
- Giving undue and unwelcome attention, such as repeated inappropriate flirting, compliments about clothing or physical attributes, staring or making sexually oriented gestures.
- Making a student's work or an employee's job more difficult because of that person's sex, gender identity, or sexual orientation.

- Using a position of power and authority to: 1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, refusing to submit to sexual activity, or for reporting harassment; 2) promise rewards in return for sexual favors.
  - Engaging in demeaning verbal and other expressive behavior of a sexual or gendered nature in instructional settings.
2. **Sexual Assault:** Having or attempting to have sexual intercourse or sexual contact with another individual without consent. This includes sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where an individual does not consent to the sexual act, or where an individual is incapacitated. Sexual assault may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Sexual assault includes the following acts:
- **Related to Non-consensual Sexual Intercourse:** Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact.
  - **Related to Non-consensual Sexual Contact:** Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one's intimate parts, or disrobing of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.
3. **Sexual-based Communication:** Speaking to, or directing any kind of communication, words or images of a sexual nature at another person that is not welcomed by the receiving party. If the communication is unwelcome; that is, if it occurs without the other person's consent or participation, it may create a hostile learning and living environment. Sexual-based communication can include interactions in person, by phone, electronic messages and photos, written words or images such as graffiti and social media postings.
4. **Sexual Exploitation:** When an individual takes non-consensual or abusive sexual advantage of another, for his/her own benefit; or to benefit anyone other than the one being exploited; and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
- Prostituting another person (i.e. personally gaining money, privilege, or power from the sexual activities of another person)
  - Non-consensual video, photography, audiotaping, or any other form of recording, of sexual activity;
  - Allowing others to observe a personal act of consensual sex without knowledge or consent of the partner;
  - Engaging in voyeurism (being a "peeping tom")
  - Knowingly or recklessly transmitting an STD or HIV to another person;
5. **Stalking:** A course of conduct involving more than one instance of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual

that could be reasonably regarded as likely to alarm or place that individual in fear of physical, emotional or psychological harm or injury. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, GPS or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not known to one another.

6. **Intimate Partner Violence:** A situation in which one partner is physically, emotionally or sexually abused by the other partner. Intimate partner violence can occur between individuals who are dating, married, hooking up, or who reside together. Intimate partner violence can occur between individuals of the same or opposite sex. This is often commonly referred to as domestic or dating violence.
7. **Retaliation:** Acts or attempts to retaliate or seek retribution against the reporting party, responding party, or any individual or group of individuals involved in the investigation and/or resolution of an allegation of sexual misconduct. Retaliation can be committed by any individual or group of individuals, not just a responding party or reporting party. Retaliation may include continued abuse or violence, other forms of harassment, and slander and libel.

### **Definitions of Consent, Coercion and Incapacitation**

**Consent:** Consent to engage in sexual activity must be informed, knowing and voluntary. Consent exists when all parties exchange mutually understandable affirmative words or behavior indicating their agreement to freely participate in mutual sexual activity.

The following further clarifies the definition of consent:

- Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- If at any time it is reasonably apparent that either party is hesitant, confused or unsure, both parties should stop and obtain mutual verbal consent before continuing such activity.
- Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
- An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily), or is unconscious, unaware or otherwise physically helpless is

considered unable to give consent. For example, one who is asleep or passed out cannot give consent.

**Coercion:** Consent cannot be given if it results from the use or threat of physical force, intimidation, or any other factor that would eliminate an individual's ability to exercise his/her own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, severe and/or pervasive emotional intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant or similar substance that impairs the person's ability to give consent.

**Incapacitation:** An individual who is incapacitated is not able to make rational, reasonable judgments and therefore is incapable of giving consent. Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if he/she demonstrates that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason.

An individual in a blackout state may or may not meet the definition of incapacitation. Such an individual may appear to act normally but may not have later recall of the events in question. The extent to which a person in this state affirmatively gives words or actions indicating a willingness to engage in sexual activity and the other person is unaware – or reasonably could not have known – of the alcohol consumption or blackout, must be evaluated in determining whether consent could be considered as having been given.

### **Title IX Coordinator's Role**

The College has a designated Title IX Coordinator and Deputy Title IX Coordinator to oversee its response to all reports of sexual misconduct and harassment, conduct training, and coordinate compliance with the mandates of Title IX. The Title IX Coordinator and Deputy Title IX Coordinator are knowledgeable and trained in the College's policies and procedures, state and federal laws that apply to sexual misconduct and harassment, and the dynamics of sexual misconduct and harassment. The Title IX Coordinator and Deputy Title IX Coordinator are available to meet with any individual to discuss the options for resolving a report under this policy.

Rollins College Title IX Coordinator:

Title IX Coordinator

1000 Holt Avenue – 707

Winter Park, FL 32789

Office location: Warren Administration Building, room 201

(407) 691-1773

Rollins College Deputy Title IX Coordinator:

**Maria Martinez**

Associate Vice President for Human Resources and Risk Management

1000 Holt Avenue – 2718

Winter Park, FL 32789

Office location: Carnegie Hall, second floor

(407) 646-2577

[mmartinez@rollins.edu](mailto:mmartinez@rollins.edu)

**Campus and Community Resources**

The College is committed to treating all individuals with dignity, care and respect. The reporting party and responding party will have equal access to support and counseling services through the College. Additional resources may be found in the Winter Park and Orlando area. All parties are encouraged to utilize on or off campus resources for assistance.

**1. Health and Safety**

The first priority for any individual who has been assaulted is to get to a safe place. If there is continued threat or risk of danger, please call Campus Safety at (407) 646-2999 or 911. When necessary, seek medical attention. It is important to seek prompt medical treatment after an incident of sexual assault or violence in order to receive preventative treatment for sexually transmitted diseases and to preserve evidence. The following is a list of options of where to seek medical attention:

- Rollins Health Services at the Wellness Center (407-646-2235)
- Local hospital. The closest hospital to campus is Winter Park Memorial Hospital (407-646-7000). Please note that area hospitals are required by Florida law and/or policy to contact local law enforcement.
- Primary Care Physician or a specialist (i.e. gynecologist, urologist)
- Acute Sexual Assault Services (407-497-6701) (within 120 hours following the sexual assault): Services include providing immediate support and advocacy to both reporting and non-reporting victims of sexual assault. Services can include forensic evidence collection by a Sexual Assault Nurse Examiner (SANE) that occurs in a private facility which offers a calming home-like environment. A Victim Advocate is available to accompany the victim during the exam, and all information provided to the advocate is confidential. Services can be received regardless of whether a victim reports the crime to law enforcement.

**2. Confidential Resources**

The College recognizes that not every individual will be prepared to make a report to the College or local law enforcement. Students seeking to talk to someone about an incident of sexual

misconduct or harassment confidentially without making a report to the College or triggering any investigation by the College can utilize confidential resources. These services include:

- **Victim Advocacy** (407-628-6340 office phone number; 407-619-2329 after-hours phone number): Victim advocates are on call at all times for emergency situations. Victim advocates are counselors in CAPS and are available to assist with medical and emotional needs, exploring options, and providing referrals and resources.
- **Advocate:** Advocates are Rollins faculty and staff members who have received specialized training. Advocates are available to talk with faculty, staff, and students during regular business hours (Monday – Friday 8:30 am – 5:00 pm) and can assist with referrals to resources and reviewing options. A list of advocates can be found [here](#).
- **Counseling and Psychological Services** (407-628-6340): Students have the opportunity for one-on-one counseling on campus in the Office of Counseling and Psychological Services (CAPS). Confidentiality laws protect the conversations individuals have with a counselor. Services are provided free of charge. Counselors are available to meet with students by appointment or almost immediately in crisis situations.
- **Health Services** (407-646-2235): Students may seek medical attention, Plan B, STD/STI testing or seek answers to their questions and concerns by visiting the health center. Confidentiality laws protect the conversations you have with medical staff in the course of care or treatment.
- **Chaplains**
- **Anonymous Report Form:** A reporting party or third party can file a report with the College without disclosing his/her name and/or the name of the responding party by utilizing the anonymous report form.

Faculty and staff members can utilize the Employee Assistance Program (877-398-5816) for confidential counseling and the on campus advocates ([Link to the list](#)).

Additionally, the Victim Services Center (VSC) of Central Florida (407-497-6701) offers the following confidential resources to all members of the College community:

- **24-Hour Sexual Assault Hotline:** The VSC operates a 24 hour a day, 7 day a week Sexual Assault Hotline. The hotline is for anyone seeking immediate telephone crisis intervention services or information on sexual assault. The hotline is operated by certified Sexual Assault Counselors. Certified Sexual Assault Counselors are trained to provide immediate crisis intervention and ongoing support.
- **Acute Sexual Assault Services** (within 120 hours following the sexual assault): Services include providing immediate support and advocacy to both reporting and non-reporting victims of sexual assault. Services can include forensic evidence collection by a Sexual Assault Nurse Examiner (SANE) that occurs in a private facility which offers a calming home-like environment. A Victim Advocate is available to accompany the victim during the exam, and all information provided to the advocate is confidential. Services can be received regardless of whether a victim reports the crime to law enforcement.

### 3. Other College Resources (Please be advised that the following resources cannot maintain your confidentiality):

- **Title IX Coordinator and Deputy Title IX Coordinator:** Both the Title IX Coordinator and Deputy Title IX Coordinator are available to meet with any individual to discuss the options for filing and resolving a report, and offer interim measures to protect safety and well-being (as described later in this policy). The Title IX Coordinator and Deputy Title IX Coordinator ensure that the College responds to all reports timely, effectively and consistently.
- **Campus Safety (407) 646-2999:** Assistance is available from the College 24 hours a day, 7 days a week by calling Campus Safety. Campus Safety can provide transportation to the hospital, coordinate with local law enforcement (if needed), provide information about the College's resources, and take an initial report.
- **Faculty and Staff:** The College recognizes that an individual may choose to share information with any College staff or faculty member. With the exception of the confidential resources listed above, all College employees are required to elevate information to the Title IX Coordinator or Deputy Title IX Coordinator.
- **Vice President for Student Affairs (407) 646-2185:** The Vice President for Student Affairs can provide students with information about the College's resources and report process and offer interim measures to protect safety and well-being (as described later in this policy).
- **Human Resources (407) 646-2369:** The Human Resources Department can provide employees with information about the College's resources and complaint process and offer interim measures to protect safety and well-being (as described later in this policy).

#### Reporting

The College encourages all students and employees to report information about any type of sexual misconduct or harassment of another person involving a student, staff or faculty member. Faculty and staff, other than those outlined in this policy as confidential resources, **are required** to report information about any type of sexual misconduct or harassment that they become aware of involving a student or other faculty or staff member. An incident does not have to occur on campus to be reported to the College. Off campus conduct that adversely affects or has the potential to adversely affect the Rollins community also falls under this policy. The College will promptly respond to all reports of sexual misconduct and harassment.

The College provides resources to both the reporting party and responding party in making decisions, obtaining information about options under this policy, and assists both parties in the event that a report of sexual harassment or misconduct is made.

## **Ways to file a report:**

**Campus Safety:** The opportunity to file a report with the College is available 24 hours a day, 7 days a week by calling Campus Safety (407-646-2999). A reporting party or third party can request a campus safety officer to respond and take a report.

**Title IX Coordinator/Deputy Title IX Coordinator:** Both the Title IX Coordinator and Deputy Title IX Coordinator are available to receive a report of sexual misconduct or harassment.

**Community Standards and Responsibility:** An individual can file a report with the College by utilizing the incident report form on the Office of Community Standards and Responsibility's website ([www.rollins.edu/csr](http://www.rollins.edu/csr)).

**Local Law Enforcement:** A reporting party may file a report with the Winter Park Police Department or other law enforcement agency (depending on location of incident).

## **Coordination with Law Enforcement**

Because the goals and objectives of the College's Sexual Misconduct and Harassment Policy differ from those of the civil and criminal justice systems, proceedings under the College's Sexual Misconduct and Harassment Policy are independent of civil and criminal processes and may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. On-campus investigation and response does not preclude, limit or require a student's or employee's access to the state and federal justice system.

Notifying the Winter Park Police Department (WPPD) will generally result in the reporting party and, in some cases the responding party, being contacted by a police officer. The police department determines if a criminal investigation will occur and if the case will be referred for prosecution. A case not referred for criminal prosecution will still receive a College response.

Under Florida state law, sexual misconduct (as described in the definitions above) may constitute a criminal act. However, the College conducts investigations and renders resolutions in an educational, non-criminal context. An act not criminally prosecuted may still violate College policy. To the extent permitted or required by law, the College will cooperate with outside investigators. However, outside law enforcement agencies do not respond to Title IX violations, and respond only to allegations of criminal behavior. As a result, the College encourages reporting to both the College and to local law enforcement, if the alleged sexual misconduct may also be a crime.

The College process and the criminal justice process are two separate and independent courses of action. If a reporting party wishes to file a report with the Winter Park Police Department, a Rollins staff member is available to assist. The College will not file a police report about the incident on the reporting party's behalf unless compelling circumstances, as outlined in the statement of privacy and confidentiality section, exist. The College's response to a report is not impacted by the reporting party's decision to file a criminal complaint or the outcome of the criminal investigation.

## **Amnesty**

Our goal is that all individuals report all incidents of sexual misconduct so that those affected can receive the support and resources needed. Therefore, violations of the College's alcohol and illegal substances policies by a reporting party may be exempt from disciplinary action in situations where sexual misconduct or harassment also occurs. However, the College may initiate an educational discussion about the use of alcohol or drugs and their impact.

## **Statement against Retaliation**

Although Rollins acknowledges that extreme emotions and stress often accompany incidents of sexual harassment and misconduct, the College does not condone any person engaging in any type of retaliation. The College views retaliation complaints with great seriousness. All individuals are strongly encouraged to report any concerns about retaliation to Campus Safety, Community Standards and Responsibility, or the Title IX Coordinator. The College will respond to reports of retaliation. Retaliation is a distinct category of prohibited conduct under this policy.

## **False Reports**

Submitting of a good faith complaint, concern or report of harassment will not affect the reporting party's employment, grades, academic standing, or work assignments. However, an individual found to have made a false complaint or to have knowingly and willingly given false information during an investigation will be subject to disciplinary action.

## **Interim Measures to Protect Safety and Well-Being**

After a report is made or the College is placed on notice the College will provide interim support and reasonable protection against further acts of misconduct, harassment or retaliation as well as provide services and resources to provide a safe educational and employment environment. For a listing of services and resources that may be offered, see the Campus and Community Resources section of this policy. The College will determine the necessity and scope of any interim measures.

The range of interim measures includes:

- 1) No contact order: The reporting party or responding party may request, or the College may impose, communication and contact restrictions to prevent further potentially harmful interaction.
- 2) Academic, Employment or Living Arrangements: The reporting party or responding party may request a change in academic, employment or living arrangements. Upon request, the College will inform the reporting party or responding party of the options and will accommodate the request if those changes are reasonably available. These may include, but are not limited to:
  - Changing class or work schedule, including the ability to withdrawal from a course without penalty
  - Limiting access to certain College facilities or activities pending resolution of the matter
  - Granting a voluntary leave of absence
  - Providing an escort to ensure safe movement between classes and activities

- Providing academic support services
- 3) Emotional Support: The College will provide counseling services through the Wellness Center or Employee Assistance Program or assist in providing a referral to off campus agencies. Counseling and emotional support is available to any member of the College community.

### **Procedures for Resolving Sexual Misconduct and Harassment Reports**

The College will respond promptly and equitably when any incident of sexual misconduct or harassment is alleged against a faculty, staff, or student. Typically the process will be completed within 60 days. This timeframe may be extended only for good cause. If good cause exists to extend the timeframe, both the reporting party and the responding party will be notified in writing of the extension and the reason for the extension. This includes a direct complaint or if the College becomes aware of the situation by other reliable means. The College's response may take a number of forms within its discretion. This includes offering reasonable protection and services to the complainant or others, conducting a Title IX inquiry or review, conducting an investigation, and imposing corrective action.

The Title IX investigator will conduct the investigation. Prior to the investigation, both parties will have the opportunity to meet individually with the Title IX Coordinator to review the investigation process. Mediation is never appropriate in sexual misconduct cases. During the investigation process, both the reporting party and the responding party will have the opportunity to be heard and to respond, the opportunity to have an advisor present during the investigation process, and the opportunity to provide names of relevant witnesses. Both parties will be notified in writing of any meetings where the reporting party or responding party will be present, with the exception of meetings with the reporting party regarding interim measures and accommodations. Either party is entitled to select an advisor to accompany them to the meetings. The advisor may consult with the parties prior to or during the course of the investigation meeting, but may not be a participant in the meeting.

The reporting party and the responding party will not be in the same room at the same time during the investigation process. Both parties are expected to comply with the request to meet with the investigator. If a party chooses not to attend the meeting, the investigation will continue in his/her absence and that party will lose the ability to provide evidence or other relevant facts not brought out in the investigation.

During the investigation process, the Title IX Investigator will determine whether information concerning the prior sexual history of either party is relevant. In general, in a case where the responding party raises consent as a defense, any prior consensual relationship between the parties may be relevant. Any other prior sexual history of the reporting party is typically not relevant and may not be permitted. Prior sexual history of the responding party may be relevant where there is evidence of a pattern of misconduct that may be relevant in the determination of responsibility assigning of corrective action.

At the conclusion of the investigation, the investigator will determine responsibility based on the relevant information presented during the investigation and the unique facts of the case. The level of proof necessary to support a finding of responsibility is the preponderance of the evidence or "more likely than not". \*\*

If the responding party is found responsible, the College will determine corrective action. If the responding party is a student or student organization, the Office of Community Standards and Responsibility will determine the corrective action (also referred to as sanctions). If the responding party is an employee, the Office of Human Resources will determine the corrective action. If the responding party is a third party (vendor, contractor etc., the Office of Human Resources will make a recommendation for corrective action to the Vice President in charge of that area. An employee found responsible for a violation of the Sexual Misconduct and Harassment Policy could receive corrective action ranging from written warning up to and including termination of employment. A student found responsible for a violation of the Sexual Misconduct and Harassment Policy could receive sanctions ranging from suspension, probation, counseling, educational requirements, or a written warning. In some cases, a student found responsible may be dismissed from the College. The responding party and the reporting party will be informed simultaneously, in writing, of the outcome of the proceeding and any resulting sanctions or protective measures.

Specific to this policy, both the reporting party and the responding party are given the opportunity to appeal the outcome of the investigation. The appeal must be provided in writing no later than 5 days from the sanction letter. The Title IX Coordinator will determine which Vice President will hear the appeal and will notify both parties in writing of the individual assigned to hear the appeal. Prior to an appeal, if either party believes that there is new evidence or relevant facts that were not brought out in the investigation, which may be sufficient to alter the finding, they may make a request that this information be considered. Appeals may be based on the following grounds:

- Procedural misconduct during the investigation.
- The sanction(s) imposed is/are inappropriate for the violation of College policy.
- The preponderance of evidence standard was or was not met.

The College will inform both the reporting party and responding party in writing of the outcome of the investigation and the appeal process. Either party may appeal the decision.

If the report includes multiple alleged policy violations, multiple processes may be used (i.e. Title IX investigation process and Community Standards and Responsibility hearing process). The College will determine which process(es) will be used. If multiple processes are used, the College will also determine the order of the processes.

If the responding party serves in multiple capacities at the College (i.e. student and employee), the College will determine which office (Community Standards and Responsibility or Human Resources) will determine corrective action. In some cases, both offices may issue corrective action.

\*\*The Secretary amends the Student Assistance General Provisions regulations issued under the Higher Education Act of 1965, as amended (HEA), to implement the changes made to the Clery Act by the Violence Against Women Reauthorization Act of 2013 (VAWA).