



Daytona State College Policy Manual

Title: TITLE IX COMPLIANCE	Number: 3.14
Legal Authority: Title IX, Education Amendments, 20 U.S.C. § 1681-1688 (1972); Jeanne Clery Act (Clery Act), 20 U.S.C 1092(f) (1990); Campus Sexual Violence Elimination Act (SaVE) (2013); and Violence Against Women Reauthorization Act (VAWA) (2013)	Page: Page 1 of 7

A. TITLE IX

1. Purpose:

- A. Daytona State College, its campuses, units and divisions seek to provide a safe and positive working and learning environment free from all forms of discrimination. This policy is adopted to further those purposes.
- B. This policy is intended to assist all campuses in complying with Title IX, which prohibits discrimination on the basis of sex in education programs and activities. Discrimination based upon sex can include sexual harassment or sexual violence, domestic violence, sexual assault, or stalking. Title IX also prohibits gender-based harassment, which may include certain acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

2. Establishment of Policies and Procedures:

The College shall maintain procedures to assure compliance with the requirements of Title IX and state law regarding discrimination on the basis of sex, including sexual harassment and sexual violence. The College shall:

- A. Title IX Coordinators. Appoint Title IX Coordinators and notify students and employees of the name, title and contact information of the Title IX Coordinators.
- B. Notices. Publish a notice of non-discrimination on the basis of sex, including, but not limited to, on the campus website and in any student

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handbook or similar publication or other appropriate means of dissemination. The notice must state that inquiries concerning the application of Title IX may be referred to the Title IX Coordinators or the Office for Civil Rights, U.S. Department of Education. The notice shall also include the contact information for the Title IX Coordinators.

- C. College Procedures. Publish and disseminate information prohibiting discrimination on the basis of sex and the procedures for reporting incidents of sex discrimination, including sexual harassment and sexual violence, such as dating violence, domestic violence, sexual assault, or stalking. The procedures must provide for a prompt and equitable resolution of sex discrimination complaints. Procedures should include a description of the conduct that constitutes sexual harassment, including sexual violence, consistent with applicable federal and state laws and regulations.
- D. Training. Provide training on sexual harassment and the College policies and procedures for reporting sexual harassment. Employees likely to witness or receive reports of sexual harassment and sexual violence should receive enhanced training which, at a minimum, includes the requirements of Title IX, the proper method for reporting sexual harassment and sexual violence and the College’s responsibilities for responding to reports of sexual harassment and sexual violence. College employees who will likely require enhanced training include: Title IX coordinators, College law enforcement personnel, student conduct board members, student affairs personnel, academic advisors, peer educators and counselors providing victim advocacy services through college-sponsored programs, and athletic department personnel.

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E. Assurances. Provide the following:

1. Each complaint of sexual harassment or sexual violence filed with a Title IX Coordinator will be promptly investigated by the College to determine what occurred. The parties have the right to a prompt, fair and impartial investigation of complaints by trained officials.
2. For student disciplinary procedures, both parties will have the right to an equal opportunity to present witnesses and other evidence in any hearing, and the right to the same appeal processes.
3. The parties will be notified of the general timeframe within which the College will conduct a full investigation of the complaint.
4. The complainant will be advised of the options available for pursuit of complaints, and, with respect to alleged, sexual violence, resources for assistance.
5. All parties will be provided with a status update of any investigation within a reasonable period of time.
6. For student disciplinary procedures, a preponderance of the evidence standard will be used to decide complaints (i.e., it is more likely than not that sexual harassment or violence occurred).
7. Complainants and respondents will be notified, in writing, of the outcome of the complaint, including whether the College determined that sexual harassment or violence occurred.
 - a. With respect to student disciplinary procedures, notification will be simultaneous, and shall also address the right to file an

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appeal, if applicable. In accordance with federal and state privacy laws, the notification shall also address the sanction imposed against a student.

- 8. Mediation may not be used to resolve complaints of sexual violence.
- 9. There shall be a prohibition of retaliation against any person reporting or participating in an investigation of sexual harassment and sexual violence under the College policies and procedures.

3. Reporting Sexual Violence:

- A. Employee Reports. Any College employee informed of an allegation of sexual violence involving a student must promptly notify a member of the Title IX team, provided that limited, specific positions may be determined to be exempt from this requirement, in consultation with legal counsel, consistent with governing law.
- B. Initiation of Action. Upon receipt of a report the College will promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. The Title IX team will initiate actions to ensure that the educational environment is free of discrimination, including, but not limited to, taking measures to stop any harassment and to prevent any reoccurring harassment. Additionally, as appropriate, steps will be taken to remedy the effects of any harassment found to have been experienced by the complainant to the extent such actions are appropriate and desired by the complainant. This may include commencement of the disciplinary process against an accused student or employee.

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C. Reports to Law Enforcement.

1. Reports of crimes may be filed with law enforcement with or without the assistance of the College. The College will assist any student wishing to file a report to law enforcement. The Title IX team will report complaints of sexual violence to law enforcement agencies when requested to do so by complainant or as required by law.
2. The Title IX team, in consultation with appropriate College officials, shall analyze each report of sexual violence to determine if a health or safety emergency as defined by state and federal law warrants disclosure of information relating to the complaint. In such case, information relating to the complaint will be disclosed to the appropriate persons including law enforcement personnel.
3. Timely warning or emergency notifications issued under the Clery Act related to sexual violence shall also be sent to local law enforcement agencies.

4. Confidentiality of the Complainant:

Confidentiality will be respected to the extent possible. Even if the complainant requests confidentiality or asks that the complaint not be pursued, the College is required to:

- A. Take all reasonable steps to investigate and respond to the complaint to the extent possible consistent with the complainant's wishes;
- B. Notify the complainant that the failure to pursue a complaint may limit the College's ability to fully address the matter; and

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- C. Report the incident or assault to local law enforcement authorities if a health or safety emergency as defined by state or federal law is found by the College to require such reporting, including, but not limited to, circumstances under which authorities determine reporting is necessary to protect the health or safety of other persons.
5. The College is committed to providing a safe campus for all students, and shall comply with Title IX, VAWA, Campus SaVE Act, and Clery Act.
- (a) Title IX (1972) prohibits exclusion or discrimination under any educational program or activity receiving federal financial assistance. The law prohibits sexual harassment and sexual violence.
- (b) The Clery Act (1990) requires the disclosure of crimes committed on college and university campuses. The Act is enforced by the U.S. Department of Education. The Clery Act was amended to add requirements that colleges provide victims with certain basic rights and expanded the reporting requirements.
- (c) The Campus SaVE Act (2013) is one of the amendments to the Clery Act and establishes domestic violence, dating violence, sexual assault, and stalking on college campus as reportable crimes. It also establishes minimum standards for institutional disciplinary procedures.
- (d) The VAWA was enacted in 1994 and reauthorized in 2000, 2005, and 2013 to protect individuals in response to domestic violence, dating violence, sexual assault, and stalking.
6. Based on the foregoing and other federal and state laws and regulations, the College shall update its procedures and guidelines including, but not limited to, the following four (4) categories:

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1. Revise statements, guidelines, and handbooks to include references to dating violence, domestic violence, sexual assault, and stalking.

2. Develop guidelines for giving written notice to students and victims, providing interim safety measures, implementing training, and designating a Title IX coordinator or Title IX team.

3. Develop and implement education programs for the awareness and prevention of domestic violence, dating violence, sexual assault and stalking.

4. Add to the Annual Security Report the new categories of crimes to be published each October in the Annual Security Report.

This new policy shall also be considered with Board Policy 6.45 (Workplace Violence), Policy 3.11 (Harassment Prohibition), Policy 3.13 (Mandatory Reporting of Child Abuse), and Policy 6.14 (Equal Opportunity).

Modeled after the University of Arkansas and the Office of Civil Rights.

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