

Sexual Misconduct and Title IX Policy

(effective September 1, 2023)

INTRODUCTION

Ringling College of Art and Design (“Ringling” or “the College”) is committed to creating and maintaining a community in which students, faculty, and staff can work together in an atmosphere free from discrimination. Specifically every member of the College community should be aware that Ringling College is opposed to discrimination and harassment on the basis (Title IX) is a Federal law that prohibits discrimination on the basis of sex in education, programs or activities. Any person shall, on the basis of sex, be excluded from participation in, denied the benefits of or

be subjected to discrimination under any educational program or activity provided through the College. This is not only the policy of the College,

The College's programs and activities are conducted in compliance with Section 504 of the Rehabilitation Act of 1973, as amended, with the Americans with Disabilities Act of 1990, as amended, and with Title IX of the Education Amendments of 1972 and its implementing regulations as amended. Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964 and other applicable statutes.

This Policy implements the mandates of the Non Discrimination Policy with regard to sex discrimination, sexual harassment and other sex related prohibited conduct as defined below.

SCOPE OF POLICY

The Policy applies to students, faculty, staff, visitors, vendors, independent contractors, volunteers, and others who either conduct business with the College or conduct business on College owned or controlled property.

The Policy applies to Prohibited Conduct that:

- Occurs on campus;
- Occurs in connection to any College educational program or activity, including employment and admissions, regardless of where the conduct occurred; or
- Has continuing adverse effects on campus or on any member of the College community.

The purpose of this Policy is to:

- Define the forms of Prohibited Conduct that violate this Policy;
- Identify resources and support for members of the Ringling College community who may have experienced or been accused of Prohibited Conduct;
- Identify the Title IX Coordinator, the Deputy Title IX Coordinators, and their responsibilities related to the Policy;
- Provide information as to how an individual may make a report or Formal Complaint; and
- Provide information on how a Formal Complaint will be resolved, which may include informal resolution or a formal investigation and adjudication.

NOTICE OF NONDISCRIMINATION POLICY - 1787-52.52.44.44 FD 000031 (1) - 00230031-5 FOUNDATION 0018 TD (0500) 75

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- An individual's decision that allegations warrant an investigation;
- An individual's current job title, professional qualifications, past experience, identity, or sex/gender;
- Use of trauma informed practices when such practices do not rely on sex stereotypes, apply generalizations to allegations in specific cases, cause loss of impartiality, and result in prejudgment of the facts at issue.

The College will apply an objective (whether a reasonable person would believe bias exists), commonsense approach to evaluating whether

Factors that a person may use to determine incapacitation include, but are not limited to:

- Slurred speech
- Lack of motor skills or balance
- Inability to focus
- Confusion
- Vomiting
- Emotional volatility or reactivity
- Unusual behavior
- Bloodshot eyes
- Smell of alcohol on breath

A person who is incapacitated is unable to give consent to participate in sexual activity. To engage in sexual activity with a person whom one knows or should know is incapacitated constitutes Prohibited Conduct and violates this Policy. Under this Policy, determinations as to whether a person should have known that another person was incapacitated shall be objectively based on what a reasonable sober person would have known about the condition of the incapacitated person in the same situation. Whether a person knew or should have known of another's incapacitation requires assessment of how alcohol is affecting the other person's:

- Ability to make decisions and exercise judgment;
- Awareness of surroundings and consequences of actions;
- Ability to appreciate the nature of any sexual acts and circumstances surrounding the acts

A party's own intoxication or impairment by alcohol or other drugs does not excuse Prohibited Conduct or remove a responsibility to obtain consent for all sexual acts.

Preponderance of the Evidence: A determination based on facts that are more likely true than not true. Using this standard, where the evidence in a case is in equipoise, the preponderance of the evidence standard results in a finding that the respondent is not

Title IX Threshold Requirements: For a matter to constitute Sexual Harassment- Title IX, it must also meet all of these Threshold Requirements:

- x The complainant must have been participating or attempting to participate in the College's education program or activity at the time the Formal Complaint was filed;
- x The complainant must have been standing in the United States at the time the conduct occurred;
- x The complaint must allege conduct that, if true, could constitute Sexual Harassment- Title IX; and
- x The conduct must be alleged to have occurred within the College's education program or activity.

PROHIBITED

victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

6. Stalking

Stalking is engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person with similar characteristics under similar circumstances to:

- Fear for the person's safety or the safety of others;

Stalking– Non Title IX

Stalking– Non Title IX is defined as stalking that meets the definition above under “Sexual Harassment– Title IX,” but that does not occur on the basis of sex and/or does not meet the Title IX Threshold Requirements.

Domestic Violence– Non Title IX

Domestic Violence– Non Title IX is defined as domestic violence that meets the definition above under “Sexual Harassment– Title IX” but that does not occur on the basis of sex and/or does not meet the Title IX Threshold Requirements.

Dating Violence– Non Title IX

Dating Violence– Non Title IX

Relationships between Individuals in a Supervisory Relationship. All affiliated individuals and student staff are prohibited from engaging in sexual or dating relationships with anyone under their direct supervision or whom they officially evaluate or mentor. They are further prohibited from officially supervising, evaluating, or mentoring anyone with whom they have had a relationship in the

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IX Coordinator for response. Under Florida law, the College is also mandated to report any abuse of a minor (under the age of 18) to the Florida Abuse Hotline at 1 (800)962 2873.

Confidentiality governs the information held by certain individuals who learn of such information in the context of a privileged relationship, such as a counselor/patient relationship or in the context of confidential communications with clergy. Information that is subject to confidentiality shall not be shared except in certain situations, such as where the information indicates imminent threat to the health and safety of others, or where the individual is obligated to report child abuse or neglect. Note that limitations of confidentiality may exist for individuals under the age of 18.

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. When an individual seeks medical treatment for sexual assault, medical personnel are required to report to the police, but such individuals are not required to file formal charges unless desired.

Where the College has received a report of Prohibited Conduct but the complainant requests that he or she remain unidentified, 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 community. The College is required to take all reasonable steps to respond to a report, but its ability to do so may be limited by the complainant'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 respondent, the College may pursue additional information regarding the report, file a Formal Complaint, or take other appropriate measures without the complainant's consent. If the College is unable to take action consistent with the wishes of the complainant, the Title IX Coordinator will inform the complainant about the chosen course of action.

If a report of misconduct poses an immediate threat to the community when timely notice must be given to protect the health or safety of the community, the College may not be

D. Confidential Resources

Individuals may seek confidential resources in addition to or instead of making reports to the College and/or law enforcement. Such confidential resources may be helpful in assisting an individual in determining whether and how to make such reports. Examples of available confidential resources include:

Campus Chaplain (confidential)
Office Location: Ulla Searing Student Center, Second Floor
(941) 309 0200

Peterson Counseling Center (confidential)
Office Location: Health Center
(941) 893 2855

Health Center (confidential except must report sexual assault to police)
Office Location: Health Center
(941) 309 4000

Other Resources

Employee Assistance Program
(877) 240 6863

SPARC (Safe Place and Rape Crisis Center)
2139 Main Street
Sarasota Florida 34237
(941) 365 0208

You can also reach SPARC through the Florida Coalition Against Domestic Violence
Hotline 1 800 500 1119.

HOPE Family Services
www.hopefamilyservice.org
Hour Help line: 941 755 6805
Outreach Office: 941 747 8499

Manatee Glens Rape Crisis Services www.manateeglens.org
Rape Crisis Hotline: 941 708 6059
Main number: 941 782 4100

LegalAid Manasota
Legalaidofmanasota.org
LegalHotline: (800)625 2257

FloridaCouncilAgainstSexualViolence

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.

After a report is received, the Title IX Coordinator will offer to confer with the complainant about supportive measures. All individuals are required to report instances of another

I. Grievance Process

A. Formal Complaint

A Formal Complaint is a document filed in writing by a Complainant, or signed by the Title IX Coordinator, that alleges Prohibited Conduct against a Respondent and requests that the College officially investigate and resolve the allegation. The Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, by in person delivery, or through the online reporting form and must contain the Complainant's physical or digital signature.

In addition to the Complainant, a Title IX Coordinator can file a Formal Complaint. In the instances when the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party during a Formal Resolution and must comply with requirements for any person involved in the response and/or resolution to be free from conflicts and bias. Exercising their discretion to file a Formal Complaint is not automatically an indication of a conflict or bias, and the Title IX Coordinator may still coordinate the case.

The Title IX Coordinator may dismiss a Formal Complaint if a Respondent is no longer participating in or attempting to participate in the College's education or program activity, the Complainant submits a written request to withdraw the complaint, or specific circumstances prevent the College from gathering evidence sufficient to reach a determination. Such a dismissal does not preclude the College from taking action under another college policy. No matter the reason for the dismissal of a complaint, the parties will be notified simultaneously in writing of the decision to dismiss, including the reasoning.

The College will not restrict the ability of any party to discuss the allegations under investigation or to gather and present relevant evidence, exception where such discussions constitute Prohibited Conduct (for example, because they constitute retaliation as defined by this Policy).

B. Title IX Coordinator's Initial Assessment of the Formal Complaint.

When a Formal Complaint is filed, the Title IX Coordinator will conduct an initial assessment to determine whether it alleges Prohibited Conduct under this Policy. If it does not, the Coordinator may dismiss the Formal Complaint and, if appropriate, refer it to another College procedure.

A Formal Complaint may be resolved through either an Informal Resolution or a Formal Resolution. Informal Resolution for Prohibited Conduct may only be offered after a Formal Complaint has been filed, so that the parties understand what the Formal Resolution entails and can decide whether to voluntarily attempt informal resolution as an alternative. The Informal Resolution process is outlined in Section IV.

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Prohibited Conduct against more than one Respondent or by more than one Complainant against one or more Respondents or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances. The same facts and circumstances means that the multiple Complainants' allegations are so intertwined that their allegations directly relate to all parties. Where multiple complainants or respondents are involved in the same investigation, the parties will only be provided with the appropriate portion(s) of the investigative documents that relate to the complaint(s) in which they are a party.

C. Investigation

The parties will receive written notice that a formal investigation has been initiated. The notice of investigation will include:

- the identities of the parties involved;
- the specific section/s of the policy allegedly violated;
- the precise conduct alleged to constitute the potential violation/s;
- the approximated date,

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maybe made in compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. To protect the integrity of the process and the privacy of the parties, parties and advisors are prohibited from sharing evidence made available to them through this process. Individuals who share evidence in violation of this prohibition may be subject to discipline, if advisors, to removal from participation in the process.

6. Investigators will complete an investigatory report.

Once the parties have reviewed the evidence and have submitted responses or the time period to submit such responses has passed, the investigators will complete any follow up they deem necessary and write the investigation report. The investigation report will include, but is not limited to, the following sections:

- overview of the complaint made and summary of the investigatory methodology;
- summary of relevant information gathered, including:
 - o timeline of incident being investigated;
 - o complainant's account of events;
 - o respondent's account of events;
 - o witness accounts;
 - o evidence gathered;
- areas of agreement;
- areas of disagreement;
- assessment of whether or not the complaint meets one or more of the required elements of the definition of sexual harassment under Title IX, including rationale; and
- an appendix containing all of the collected evidence.

The investigation report will not include:

- Information about the complainant's sexual predisposition or prior sexual behavior, unless:
 - o The information is to prove that someone other than the respondent committed the alleged conduct; or
 - o The information concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove conduct on the part of the respondent.

7. Dismissal from Hearing Procedure

The investigators will consider whether the conduct alleged, if demonstrated by a preponderance of the evidence, would constitute Sexual Harassment– Title IX within the Scope of the Policy in light of the evidence gathered during the investigation, and make a recommendation to the Title IX Coordinator regarding the same. If Sexual Harassment– Title IX is properly alleged, the investigators will further determine whether those allegations meet all three of the following jurisdictional requirements:

- The Formal Complaint was filed when the complainant was participating in or attempting to participate in the education program or activity of the College;
- The reported Sexual Harassment– Title IX occurred against a person in the United States; and
- The reported Sexual Harassment– Title IX occurred in the College’s education program or activity.

The Title IX Coordinator will review the recommendation of the investigators and make the final determination as to whether the conduct alleged, if demonstrated by a preponderance of the evidence, would constitute Prohibited Conduct within the within o

findings and conclusions. Sanctions will be determined by an appropriate Vice President according to the list of potential sanctions in this Policy. The parties will receive copies of the report and notification of any sanctions that are issued. Appeals shall be handled as indicated in this Policy, except that an Appeals Panel consisting of three Vice Presidents selected by the Title IX Coordinator shall be used in lieu of a single Appeals Officer.

Where a case is not eligible for hearing but involves sexual assault, dating violence, domestic violence, or stalking allegations, the following procedural protections will be available to both parties through the Student Conduct Human Rights Committee procedures outlined above:

- Continued access to informal resolution procedures until a determination is reached as to whether a Policy violation occurred;
- Continued access to supportive measures;
- Procedures are conducted by officials that receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability;
- Continued ability to bring an advisor of choice to any related meeting or proceeding;
- Both parties receive simultaneous written notice of the result of the disciplinary proceeding, the procedure for appeal, any changes to the result, and when such results become final.

8. Responses to Investigative Do0eTj /TT1 1 Tf 1.79 0 TD 0 Tc <0003>Tj /TT2 1 Tf Tc

Decisionmaker cannot be the Title IX Coordinator or the investigator(s) who investigated the case.

The Hearing Resolution Process typically concludes in thirty business

After reviewing each party's witness list, the Decisionmaker may, in their discretion, add names of other witnesses contained in the report for the purpose of appearing at the hearing and submitting to cross-examination.

After the conclusion of the Pre-Hearing Conference, the Title IX Coordinator will provide each party and their advisor with written notice of the date, time, and manner for the hearing, which will typically occur no less than 5 business days after the conclusion of the final pre-hearing conference.

2. Live Hearing

The live hearing may be conducted with all parties physically present in the same geographic area. The hearing may also be conducted via a video conference, which may be held in a secure location.

Questions that are not relevant include:

- Repetition of the same question;
- Questions related to information about the complainant's sexual predisposition or prior sexual behavior, unless:
 - o The information is to prove that someone other than the respondent committed the alleged conduct; or
 - o The information concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent;
- Questions related to information that is protected by a legally recognized privilege; and
- Questions related to a party's medical, counseling/psychological, and similar treatment records unless the party has given voluntary, written consent.

The Decisionmaker will objectively evaluate all evidence, including inculpatory and exculpatory evidence, to determine its relevance, materiality, weight and reliability. Credibility determinations will not be based on an individual's status as a complainant, respondent, or witness. Before a party or witness answers a question by an advisor, the Decisionmaker will first determine whether the question is relevant and briefly explain any decision to exclude a question as not relevant, or request rephrasing of the question.

- Findings of fact supporting

All grounds for appeal will be available to all parties.

The Title IX Coordinator shall appoint a trained, impartial Appeals Officer, who shall be a Vice President of the College or shall be external to the College, depending on availability and circumstances.

When the typical or alternate Appeal Officer is unable to serve, or is not otherwise designated in this policy, the Title IX Coordinator will select a trained individual to be the Appeal Officer with notice to the parties. The Appeal Officer cannot be the same person as the Decisionmaker for the hearing, the investigator, or the Title IX Coordinator.

The Appeal Officer must be a neutral and impartial decisionmaker. The parties will be informed, in writing, of the specific Appeals Officer. Within 1 business day of receiving the notice of the designated Appeals Officer, the complainant and the respondent may submit a written request to the Title IX Coordinator to replace the named Appeals Officer if there are reasonable articulable grounds to establish bias, conflict of interest or an inability to be fair and impartial.

The designated Appeals Officer will only be replaced if the Title IX Coordinator determines their bias precludes impartiality or constitutes conflict. Additionally, an Appeals Officer who has reason to believe they cannot make an objective determination must recuse themselves from the process.

A complainant or respondent must submit a written appeal to the Title IX Coordinator and within 5 business days of receipt of the Notice of Outcome. The written appeal must include the specific basis for the appeal and any information or argument in support of the appeal. Upon receipt of the appeal, the Title IX Coordinator will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted to the Title IX Coordinator within 3 business days from the other party's receipt of the appeal. Appeal responses are shared with the other parties but no reply is permitted.

The Appeals Officer will make a decision regarding the written appeal and, within 10 business days of receipt of all appeal documents, notify the complainant and the respondent of the outcome. The Appeal Officer may affirm the finding(s); alter the finding(s); alter the sanctions or request that additional steps be taken.

Appeal decisions are final. All appeal deadlines may be extended for good cause by the Title IX Coordinator. Any extension will be communicated to the parties.

V. Sanctions and Remedies

Where a respondent is determined to have engaged in Prohibited Conduct, the Decisionmaker shall determine appropriate sanctions, in consultation with an appropriate administrator based on the status of the respondent (student, employee, or other). The Title IX Coordinator will determine an appropriate administrator for consultation based on the circumstances. Students determined to have engaged in Prohibited Conduct are subject to disciplinary action in accordance with the provisions of the Code of Conduct as contained in the Ringling College of Art and Design Student Handbook, whether or not formal criminal charges are filed by the victim.

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A student found in violation of this Policy may be sanctioned with the following, or any combination thereof: are : 0% D W h e t E î ò 0 t

education. Remedies for a Complainant which do not affect the Respondent must not be disclosed to the Respondent.

TRAINING

The College will ensure the Title IX Coordinators, investigator(s) Coordinators,

- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, decision makers, appeals officers, and any person who facilitates an informal resolution process;
- Documentation of any supportive measures taken in response to a report or formal complaint of Sexual Harassment– Title IX, including documentation regarding the basis for any conclusion that the College’s response was not deliberately indifferent;
- Documentation of why a complainant alleging Sexual Harassment– Title IX was not provided with supportive measures, including the reasons why such response was not clearly unreasonable in light of the known circumstances.

EDUCATIONAL AND PREVENTION PROGRAMS

Ringling College offers primary prevention programming initiatives, and strategies informed by research or assessed for value, effectiveness or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behavior that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in health and safe directions. The College also offers prevention and awareness campaigns to increase understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking.

All members of the campus community are encouraged to participate in educational and prevention programs in addition to those that may be required by the College as part of student and employee training programs. More information about current programming and initiatives can be obtained from the Title IX Coordinator.

Approved by President Larry R. Thompson August 14, 2020

Updated Title IX Coordinator, June 1, 2021

Revisions approved by President Larry R. Thompson August 16, 2022

Revisions approved by Board of Trustees April 20, 2023