

# **NFC** NORTH FLORIDA COLLEGE

## Title IX Policy and Procedures



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## **Important Information for Complainants of Sexual Misconduct Needing Immediate Assistance**

If you or anyone you know may have been the victim of Sexual Misconduct (including harassment and violence), North Florida College (“NFC”) strongly encourages you to **call 911 to immediately seek law enforcement and medical assistance**. NFC’s Office of Campus Safety and Security is available from 7:30 a.m. until 11:30 p.m. on weekends and holidays and from 6:30 a.m. until 12:00 a.m. on weekdays. NFC’s Office of Campus Safety and Security can be reached by calling (850) 973-0280.

During the hours of 8:30 a.m. to 4:30 p.m. on weekdays, NFC’s Title IX Coordinator, Heather Smith, is available by telephone (850-973-9487), email ([smithhe@nfc.edu](mailto:smithhe@nfc.edu)), or in person (325 NW Turner Davis Dr., Building 3, Room 18, Madison, FL). NFC’s Deputy Title IX Coordinator, Jhan Reichert, is available by telephone (850-973-9485), email ([reichertj@nfc.edu](mailto:reichertj@nfc.edu)), or in person (325 NW Turner Davis Dr., Building 4, Room 102, Madison, FL). However, a person may submit a complaint of Sexual Misconduct during non-business hours as well.

More information regarding available medical and emotional support, as well as the contact information for local law enforcement agencies, is attached to this policy in Section 6.

## **Title IX**

Title IX of the Education Amendments of 1972 (“Title IX”) was created to protect individuals in federally funded education programs or activities from sex-based discrimination. 20 U.S.C. §1681. Title IX states, in pertinent part, as follows:

“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 . . .”

20 U.S.C. §1681; 34 C.F.R. §106.31.

Title IX protects all students and employees at NFC from sex discrimination, including sexual harassment.

## **Section 1. Introduction**

### **a. Notice of Non-Discrimination and Identity of Title IX Coordinator**

NFC is dedicated to the concept of equal opportunity and access to all programs and activities. In accordance with federal and state laws, NFC does not discriminate in any of its programs and activities on the basis of age, color, gender, sex, sexual orientation, religion, ethnicity, national origin, race, marital status, genetic information, physical or mental disability or any other characteristic protected by law.

NFC does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. When NFC has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Sexual harassment interferes with students' rights to receive an education free from discrimination. Pursuant to its Title IX obligations, NFC is committed to eliminating sexual harassment and will take appropriate action when an individual is determined responsible for violating this policy. This policy applies to student and employee complaints alleging any action that is a violation of Title IX and its implementing regulations.

NFC is required to designate at least one employee ("Title IX Coordinator") to coordinate NFC's efforts to comply with and carry out its responsibilities under Title IX.

NFC's Title IX Coordinator and Deputy Title IX Coordinator are as follows:

<b>Title IX Coordinator</b>	<b>Deputy Title IX Coordinator</b>
Heather Smith 325 NW Turner Davis Dr. Building 3, Room 18 Madison, FL 850-973-9487 smithhe@nfc.edu	Jhan Reichert 325 NW Turner Davis Dr. Building 4, Room 102 Madison, FL 850-973-9485 reichertj@nfc.edu

Individuals with inquires about the application of Title IX and implementing regulations may also contact the United States Department of Education's ("US DOE") Office for Civil Rights ("OCR") as follows:

Atlanta Office  
Office for Civil Rights  
U.S. Department of Education  
61 Forsyth St. S.W., Suite 19T10  
Atlanta, GA 30303-8927  
Telephone: 404-974-9406  
FAX: 404-974-9471; TDD: 800-877-8339  
Email: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)

## **b. Definitions**

**Business Day** – Means Monday through Friday, excluding any day when NFC is closed.

**Consent** – Pursuant to F.S. §794.011, “consent” means intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

Consent also occurs when individuals willingly, unambiguously, and knowingly agree to engage in sexual activity in a clear and affirmatively communicated way, understood by all of the parties involved. Consent is active, not passive. Signals of consent must be part of a mutual and ongoing process. Consent must be informed, freely given and mutual. There should be no coercion, intimidation, threats or acts of physical force. Whether a person has taken advantage of a position of influence over an alleged victim will be a factor in determining consent. The person shall not be mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation. This includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. Inducement of incapacitation of another with the intent to affect the ability of an individual to act or refuse to act in sexual contact negates consent. Silence does not necessarily constitute consent. Relying solely on non-verbal communication can lead to misunderstandings and harmful consequences for all of the parties involved because this form of communication may be unclear. Individuals should be able to clearly articulate why and how they knew that they had received consent and what they considered to be indications of consent before they engaged in sexual behavior. It is important to remember:

- (1) Consent to one sexual act does not constitute or imply consent to another act;
- (2) Previous consent cannot imply consent to future sexual acts;

- (3) Consent is always required and cannot be assumed based on the parties' relationship status or sexual history together; and
- (4) Consent can be withdrawn at any time before or during sexual activity by either party.

**Dating Violence** - Pursuant to F.S. §784.046, "dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

- (1) A dating relationship must have existed within the past 6 months;
- (2) The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- (3) The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

**Domestic Violence** – Pursuant to F.S. §741.28, "domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

**Hostile Environment** – Conduct that is sufficiently serious to deny or limit a person's ability to participate in or benefit from NFC's programs based on sex. Relevant factors to determine whether a hostile environment exists includes, but is not limited to, the following: (1) the degree to which the conduct affected one or more individuals ability to participate in or benefit from NFC's programs; (2) the type, frequency, and duration of the conduct; (3) the identity of and relationship between the alleged harasser and the subject or subjects of the harassment; (4) the number of individuals involved; (5) the age and sex of the alleged harasser and the subject of the harassment; (6) the location of incidents, and context in which they occurred; (7) other similar incidents at NFC; and (8) incidents of gender-based, but nonsexual harassment.

**Sexual Battery (a/k/a Sexual Assault in Florida)** - Pursuant to F.S. §794.011, "sexual battery" means oral, anal, or vaginal penetration by, or union with, the

sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose. NFC also considers unwanted sexual touching an act of Sexual Battery for purposes of this policy.

**Sexual Cyberharassment** – Pursuant to F.S. §784.049, to “sexually cyberharass” means to publish a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person’s consent for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

**Sex Discrimination (including Gender-Based/Gender-Identity Discrimination)** - Treating someone unfavorably because of that person's sex, gender, or gender identity.

**Sexual harassment** – Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) A College employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct (often called “quid pro quo” harassment);
- (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” as defined in 20 U.S.C. 1092(f)(6)A(v), or “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

**Sexual Misconduct** – Includes the definitions of Dating Violence, Domestic Violence, Sexual Battery, Sexual Cyberharassment, Sex Discrimination, Sexual harassment, Sexual Violence, and Stalking.

**Stalking** – Pursuant to F.S. §784.048, a person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking. A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking. NFC further believes that stalking can occur on a one time basis. As used in this definition, the term:

- (1) “Harass” means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.
- (2) “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of



purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.

- (3) “Credible threat” means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.
- (4) “Cyberstalk” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

In addition to the Florida law definition of “stalking,” NFC also considers stalking to occur when a person willfully or maliciously follows, harasses, or cyberstalks another person even if such acts occur only occur on one occasion.

**Complainant:** Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Respondent:** Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Formal Complaint:** Formal Complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that NFC investigate the allegation of sexual harassment. At the time of filing a formal complaint with NFC, a complainant must be participating in or attempting to participate in NFC’s education program or activity. “Document filed by a complainant” means a document or electronic submission (such as by electronic mail) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to the formal complaint, and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge:** Actual knowledge means notice of sexual harassment or allegations of sexual harassment to NFC’s Title IX Coordinator, or any NFC official who has authority to institute corrective measures on behalf of NFC. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of NFC. “Notice” includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator. This standard is not met when the only NFC official with actual knowledge is the respondent.

**Education Program or Activity:** Education program or activity includes locations, events, and circumstances over which NFC exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

**Supportive Measures** - Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus (including college buildings and facilities), and other similar measures.

### **c. Policy Statement**

Sexual Misconduct involves acts which NFC will not tolerate as they violate the norms of society and the expectations of NFC. NFC is committed to providing the NFC community with a positive environment free of Sexual Misconduct. This policy addresses NFC’s responsibilities to provide students and employees with a non-discriminatory environment in compliance with Title IX, the Violence Against Women Reauthorization Act, Title VII of the Civil Rights Act of 1964, and the Florida Educational Equity Act.

It is the policy of NFC to implement preventative measures to prevent acts of Sexual harassment through education and training. NFC will also provide services and programs to assist complainants of Sexual Misconduct.

As part of its policy on providing a non-discriminatory environment, NFC strongly encourages anyone who believes they are or knows someone who may

be a victim of Sexual Misconduct to report the incident immediately to NFC's Title IX Coordinator. Upon receipt of any such information, NFC will take immediate action to eliminate the Sexual Misconduct, prevent its recurrence, and address its effects. NFC will promptly and equitably resolve all complaints of Sexual Misconduct. Violations of this Policy may result in discipline up to and including termination from employment or expulsion from NFC. Submission of false or bad faith complaints may also subject individuals to discipline up to and including termination from employment or expulsion from NFC.

NFC strictly prohibits retaliatory actions being taken against an individual for raising issues of Sexual Misconduct or participating in NFC's investigation related thereto. Retaliation is not acceptable, and individuals engaging in such behavior may be subject to discipline up to and including termination from employment or expulsion from NFC.

#### **d. Applicability and Statement of Jurisdiction**

This policy is applicable to students, employees, and third parties when such third parties are within NFC's control. This policy and NFC's jurisdiction applies to acts of Sexual Misconduct committed by or against students, employees, and third parties in the following situations:

- (1) the Sexual Misconduct occurs in an NFC employment or education program or activity; and
- (2) the Sexual Misconduct occurs on property owned or controlled by NFC.

Additionally, this policy also applies to locations, events, and circumstances off school grounds where NFC exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

## **Section 2. Privacy and Confidentiality**

NFC is aware of the private and sensitive nature of matters involving Sexual Misconduct. In carrying out its Title IX responsibilities and to the extent permitted under federal and state laws, NFC will work with individuals to preserve the confidentiality of matters involving Sexual Misconduct. However, certain circumstances may require that NFC disclose the identification of

complainants in order to carry out its federal and state law obligations (including Title IX) to protect imminent harm to the community.

NFC will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., NFC's obligation to maintain confidentiality shall not impair or otherwise affect the complainant's(s') and respondent's(s') receipt of the information to which they are entitled related to the investigative record and determination of responsibility). NFC's non-consensual disclosure of Sexual harassment reports will be limited and the information will only be shared with individuals who are responsible for handling NFC's response to incidents of Sexual harassment or to whom NFC has a responsibility to disclose.

More information regarding privacy and confidentiality of Sexual harassment matters under Title IX are addressed in **Section 5** of this Policy.

### **Section 3. Prohibited Conduct**

NFC prohibits any conduct which would serve as Sexual Misconduct or a violation of Title IX. NFC also prohibits retaliation against individuals for the purpose of interfering with any right or privilege secured by these procedures or Title IX. Examples of prohibited conduct include, but are not limited to, the following:

- (1) Engaging in any form of Sexual Misconduct as defined herein;
- (2) Knowingly engaging in non-consensual sex;
- (3) Making lewd or sexually suggestive comments or jokes and sexual advances;
- (4) Transmitting inappropriate images or videos that are sexually suggestive;

- (5) Recording in any form (audio, video, digital, etc.) sexual activity or nudity without the knowledge and consent of all individuals participating in the activity when a reasonable expectation of privacy exists;
- (6) Sexually suggestive or inappropriate touching;
- (7) Treating an individual unfavorably or taking adverse employment or educational action because of someone's gender or refusal to participate in sexual acts or provide sexual favors;
- (8) Treating an individual unfavorably or taking adverse employment or educational action because of someone's filing of a complaint under this Policy or exercise of any right or privilege afforded under these procedures or Title IX; and
- (9) Promising benefits or favorable treatment in exchange for sexual acts or favors.

The examples set forth herein are not inclusive and merely being provided to alert individuals about the types of conduct that is prohibited. As noted herein, any form of Sexual Misconduct is prohibited. Complaints alleging retaliation may be filed according to the grievance procedures herein.

## **Section 4. Complaint Process and Applicable Procedures**

NFC is committed to the prompt and equitable resolution of student and employee complaints of Sexual Misconduct. As part of the resolution process, NFC will provide for adequate, reliable, and impartial investigations of all complaints which include the opportunity for both the complainant and respondent to present witnesses and evidence. Complainants seeking to file a complaint involving Sexual Misconduct should follow the procedures outlined in the sections below.

### **a. Report of Sexual Misconduct**

Any person may report Sexual Misconduct, including Sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX

Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s).

Students and NFC Board members and employees are required, and parents, community members, and third parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any NFC employee, who will in turn notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report shall, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

A student may file criminal charges simultaneously with filing a Title IX complaint. A student does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Because NFC is considered to have actual knowledge of sexual harassment or allegations of sexual harassment if any NFC employee has such knowledge, and because NFC must take specific actions when it has notice of sexual harassment or allegations of sexual harassment, a NFC employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or sexual harassment must notify the/a Title IX Coordinator within two (2) days of receiving the report. If the NFC employee's knowledge is based on another individual bringing the information to the employee's attention and the reporting individual submitted a written complaint to the employee, the employee must provide the written complaint to the Title IX Coordinator.

When a report of sexual harassment is made, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, 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 Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the complainant or respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of NFC to provide the supportive measures.

#### **b. Filing a Complaint with NFC**

Complainants should be aware that in addition to filing a complaint with NFC involving allegations of Sexual Misconduct, they may also file complaints with local law enforcement and are certainly encouraged to do so. Students and employees may file complaints against other students, employees, or third parties. Complaints against third parties will be handled if the allegations set forth in the complaint arose during a program or activity related to NFC. NFC does not limit the timeframe within which an individual must file a complaint; however, individuals should file complaints as promptly as possible. Any unnecessary delay in filing may impact the ability to gather evidence and address the incident. NFC will also be limited in applying its disciplinary procedures against individuals who graduate or leave the employment of NFC.

NFC may also choose to independently initiate an investigation if it learns of acts which suggest an act of Sexual Misconduct or violation of these procedures Policy occurred even if a formal complaint is not filed. NFC may also notify local law enforcement.

Complaints involving Sexual Misconduct should be filed with NFC’s Title IX Coordinator or Deputy Title IX Coordinator whose contact information is as follows:

<b>Title IX Coordinator</b>	<b>Deputy Title IX Coordinator</b>
Heather Smith 325 NW Turner Davis Dr. Building 3, Room 18 Madison, FL 850-973-9487 smithhe@nfc.edu	Jhan Reichert 325 NW Turner Davis Dr. Building 4, Room 102 Madison, FL 850-973-9485 reichertj@nfc.edu

Anonymous complaints may be made through NFC’s Silent Witness Program (“Silent Witness”). Silent Witness allows concerned NFC members to report information about campus safety issues to The College and University Behavioral Intervention Team (CUBIT) anonymously. CUBIT consists of a group of NFC employees who are concerned about the safety and well-being of each member of the NFC family. The team is made up of members who have specific skills and backgrounds in the area of public safety, mental health and student affairs. Please know that any information submitted will be handled confidentially with the purpose of assisting the student, faculty or staff person who has been named. Individuals anonymously reporting an act of Sexual Misconduct through Silent Witness are advised that NFC will be limited in its ability to respond as it will be unable to communicate with the complainant.

NFC may also need to contact local law enforcement based on the details contained in an anonymous complaint made to Silent Witness.

If an individual elects to disclose concerns involving Sexual Misconduct to an NFC employee other than those identified hereinabove, such employees have a responsibility to report the concerns to the Title IX Coordinator. Failure of any employee to report concerns of Sexual Misconduct to the Title IX Coordinator are subject to termination from employment.

NFC may consolidate formal complaints as to allegations of sexual harassment against more than one responding party, or by more than one reporting party against one or more responding parties, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **c. Requests for Informal Resolution or to Withdraw a Complaint**

Requests for Informal Resolution – Complainants may request an informal resolution when reporting an act of Sexual Misconduct or during the investigation and resolution process. NFC’s Title IX Coordinator will determine whether the nature and severity of the alleged act of Sexual Misconduct may be appropriately addressed through an informal resolution. The Title IX Coordinator will take into consideration the severity of the act and the possible risk the respondent poses to the NFC community. If both complainant and respondent consent in writing to participate in informal resolution and the Title IX Coordinator determines that an informal resolution is appropriate, the Title IX Coordinator will refer the matter to the Deputy Title IX Coordinator. The Deputy Title IX Coordinator will interview the complainant and respondent, gather relevant information, implement any appropriate protective measures, and attempt to assist the complainant and respondent in reaching a mutually agreeable resolution to the complaint.

Complainant or respondent may withdraw their consent to informal resolution at any time prior to a resolution. If consent is withdrawn, the formal investigation and resolution process will re-initiate.

Requests for an informal resolution will not be granted to resolve allegations that an employee sexually harassed a student.

Requests to Withdraw a Complaint - Complainants who choose to withdraw their complaint or discontinue the resolution process may make such requests in writing to the Title IX Coordinator. Individuals are advised that requesting that a complaint be withdrawn may limit NFC’s ability to address the issues set forth in the complaint. Upon receipt of a request that a complaint be withdrawn, NFC’s Title IX Coordinator will consider the following:



- (1) The nature and seriousness of the allegations set forth in the complaint;
- (2) Whether the respondent has been the subject of past complaints;
- (3) The potential harm that may result if the complaint is withdrawn; and
- (4) Whether a safe and non-discriminatory environment will exist at NFC if the complaint is withdrawn.

Complainants should be aware that NFC has a responsibility to investigate and take action when it becomes aware of information that suggests violations of Title IX are occurring at NFC. Thus, NFC may choose to continue its investigation and notify law enforcement if necessary to comply with Title IX.

#### **d. Privacy and Confidentiality**

If a complainant requests that his or her name not be revealed to the respondent or asks that NFC not investigate or seek action against the respondent, NFC will inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action the respondent. NFC will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students and employees, including the individual who reported the Sexual Misconduct. NFC's Title IX Coordinator will evaluate confidentiality requests.

There are situations in which NFC must override an individual's request for confidentiality in order to meet its Title IX obligations. Factors that will be considered when weighing an individual's request for confidentiality include, but are not necessarily limited to, the following:

- (1) Circumstances that suggest there is an increased risk of the respondent committing additional acts of Sexual Misconduct;
- (2) Whether there have been other sexual violence complaints about the same respondent;
- (3) Whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
- (4) Whether the respondent threatened further sexual violence or other violence against the complainant or others, and whether the sexual violence was committed by multiple respondents;

- (5) Circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances (examples include, but are not limited to, whether the complainant's report reveals a pattern of perpetration or whether the circumstances involved illicit use of drugs or alcohol at a given location or by a particular group);
- (6) Whether the sexual violence was perpetrated with a weapon;
- (7) The age of the complainant subjected to the sexual violence; and
- (8) Whether NFC possesses other means to obtain relevant evidence (e.g., security cameras, physical evidence, or through individuals).

If NFC determines that it can respect a request not to disclose a complainant's identity to the respondent, it will take all reasonable steps to respond to the complaint consistent with the request. Although an individual's request to have his or her name withheld may limit NFC's ability to respond fully to an individual allegation, other means may be available to address the Sexual Misconduct.

#### **e. Retaliation**

Title IX includes protections against retaliation. NFC will take steps to prevent retaliation and strong responsive action if it occurs including, but not limited to, termination from employment or expulsion from NFC. This includes retaliatory actions taken by NFC employees and officials. If NFC becomes aware of possible retaliation by other students, employees, or third parties, including threats, intimidation, coercion, or discrimination (including harassment), it will take immediate and appropriate steps to investigate or otherwise determine what occurred.

#### **f. Procedures Upon Receipt of a Complaint**

NFC's Title IX Coordinator is the individual responsible for overseeing the handling of all complaints involving Sexual Misconduct. If the Title IX Coordinator is the subject of the complaint, the Deputy Title IX Coordinator or Associate Dean of Academic Affairs will oversee the handling of the complaint. The Title IX Coordinator's duties upon receipt or report of a complaint of Sexual harassment include, but are not limited to, the following:

- (1) Contacting the complainant confidentially to discuss the availability of supportive measures;
- (2) Providing written notice to all known parties;
- (3) Determining whether the complaint should be dismissed;

- (4) Assigning and/or retaining a Title IX Investigator after consultation with NFC's senior management;
- (5) Assigning responsibilities to the Deputy Title IX Coordinator;
- (6) Ensuring that a prompt, fair and impartial investigation is conducted;
- (7) Ensuring that a prompt, fair and impartial resolution of the complaint of Sexual Misconduct; and
- (8) Communicating and coordinating with local law enforcement if necessary.

Upon receipt of a complaint of Sexual Misconduct that does not fall under Title IX, the Title IX Coordinator or designee will take appropriate measures in accordance with all applicable NFC employee and student policies. Upon receipt of a formal complaint under Title IX, the Title IX Coordinator or designee will begin the Title IX **grievance process**. Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- (1) Notice of the **grievance process**, including any informal resolution process;
- (2) Notice of the allegations of misconduct that potentially constitutes sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must:
  - a. include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the **grievance process**;
  - b. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
  - c. inform the parties of any provision in the Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the **grievance process**.

If during the **grievance process**, additional allegations are investigated that were not in the original notice, a written notice of additional allegations will be sent to the parties.

NFC's Title IX Coordinator and others handling disciplinary proceedings involving allegations of Sexual Misconduct will receive required training under Title IX, including on issues related to prevention and compliance. The Title IX Coordinator, along with any investigator, decision-maker, or any person designated to facilitate an informal resolution, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Complainants and respondents should advise NFC if they have reason to believe that the Title IX Coordinator, investigator, decision maker or informal resolution officer has any bias or conflict of interest as soon as possible. If it is determined there is a conflict or bias, another appropriate person will be designated to fulfill the role.

The same rights afforded to the complainant during the investigation and hearing process will be afforded to the respondent. The respondent will not be presumed responsible for the alleged conduct prior to the conclusion of the grievance process.

Absent unique or extenuating circumstances, including delays attributable to voluntary participation in the informal resolution process, NFC seeks to conclude its grievance process including the investigation (including the hearing) and possible appeals within **sixty (60) calendar days** from the date of receipt of the complaint. Parties will receive at least one (1) business days written notice during the grievance process for any investigative interviews and meetings.

If a complaint does not meet the definition of Sexual harassment or didn't occur in the education setting, NFC must dismiss the complaint from the Title IX grievance process, but may still take action on other Sexual Misconduct in accordance with its applicable Code of Conduct and employee policies. NFC may also dismiss a complaint of Sexual harassment if the respondent is no longer employed or enrolled at NFC, specific circumstances prevent NFC from gathering sufficient evidence to make a determination, or upon written request by the complainant to withdraw the complaint.

### Phase 1 - The Investigation

NFC's investigation is designed to resolve Title IX complaints in a prompt, fair and impartial manner. The purpose of the investigation and any subsequent hearing or decision is to determine: (1) whether or not the conduct occurred; and (2) if the conduct occurred, what actions NFC will take to end the Sexual harassment, eliminate the hostile environment, and prevent its recurrence, which may include imposing sanctions on the respondent and providing remedies for the complainant and broader student population. NFC's investigation will include the opportunity for both parties to present witnesses and other evidence. Since instances of Sexual harassment may include possible

criminal issues, NFC will, to the extent possible, coordinate with any other ongoing NFC or criminal investigations of the incident and establish appropriate fact-finding roles for each investigator.

At the onset of the investigation, the Title IX Coordinator shall assign a neutral investigator after consultation with NFC's senior management and provide the investigator with a copy of the complaint, unless it is evident from the complaint that it does not fall within the confines of Title IX. In such a case, the Title IX Coordinator will dismiss the complaint and promptly send written notice of the dismissal with the reason(s) for the dismissal simultaneously to the parties. Both parties have the right to appeal a dismissal of a formal complaint.

If the complaint is ultimately forwarded to the investigator because it falls within the confines of Title IX, the contact information of the investigator shall be provided to the complainant and respondent.

After providing written notice of the complaint, the Title IX Coordinator and/or Deputy Title IX Coordinator shall meet separately with the complainant and respondent as soon as possible after a complaint is received. During the meetings, the Title IX Coordinator and/or Deputy Title IX Coordinator will:

- (1) provide the parties with a copy of NFC's Title IX Policy and Procedures;
- (2) explain the investigative and hearing process;
- (3) address concerns with confidentiality and rights of each party;
- (4) identify whether either party is interested in an informal resolution of the complaint;
- (5) explain the role of the Title IX Coordinator and Deputy Title IX Coordinator; and
- (6) identify available protective supportive measures for the complainant, interim accommodations for the respondent, and available counseling for the complainant and respondent.

The complainant and respondent shall each have an advisor of their choosing, who may be an attorney retained at their own cost. NFC will provide advisors to each party if requested. Advisors are prohibited from interfering with NFC's investigation.

NFC's investigation of any complaint received pursuant to this policy will include, but is not necessarily limited to, the following:

- (1) conducting interviews of the complainant, the respondent, and any witnesses;
- (2) reviewing law enforcement investigation documents, if applicable;
- (3) reviewing student and personnel files;
- (4) reviewing electronic communications;
- (5) reviewing any documents or evidence presented by the parties; and
- (6) gathering and examining other relevant documents or evidence.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on NFC and not on the parties.

During the course of an investigation it is possible that information may become known by the Title IX Coordinator or investigator that leads to a reasonable belief that an immediate and substantial threat exists to the NFC community (including the complainant or respondent). When such situations arise, the following interim actions may be taken:

(1) Student Respondents –

- (a) Removal from campus on an emergency basis by the Director of Campus Safety and Security or his/her designee until such time as the Final Outcome of Complaint is issued. First, NFC must: (i) undertake an individualized safety and risk analysis, (ii) determine whether an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal, and (iii) provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

(2) Employee Respondents –

- (a) Immediate restriction on campus access by the Director of Campus Safety and Security or his/her designee until such time as the Final Outcome of Complaint is issued.
- (b) Immediate reassignment or placement on administrative leave with pay by the Executive Director of Human Resources or his/her designee when information is known which demonstrates that the

respondent is an immediate and substantial threat to the NFC community.

(3) Challenges to Interim Actions Taken when an Immediate and Substantial Threat is Reasonably Believed to Exist -

- (a) Any student who wishes to challenge interim actions taken when it is determined that an immediate and substantial threat is reasonably believed to exist may do so by appealing in writing to the Vice President of Academic and Student Affairs or his/her designee.
- (b) The Vice President of Academic and Student Affairs or his/her designee will consider the appeal and issue a decision in writing to the appellant within two (2) business days. The decision of the Vice President of Academic and Student Affairs is final and not subject to further challenge.

Phase 2 - The Conclusion of the Investigation

Prior to concluding the investigation, NFC will send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 calendar days for the parties to inspect, review, and respond to the evidence. NFC will make all evidence subject to the parties' inspection and review available at any hearing to give each party an equal opportunity to refer to such evidence during the hearing, including for purpose of cross examination. Prior to finalizing the investigative report, NFC will send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 calendar days for the parties to respond. The investigator shall consider any responses prior to completion of the final report. The final investigative report will be provided to the Title IX Coordinator who will then contemporaneously provide copies to the parties and their advisors at least ten (10) calendar days prior to a hearing.

Phase 3 – The Live Hearing

Within three (3) business days of providing a copy of the final investigative report to the parties and their advisors, the Title IX Coordinator will provide the parties with a written Notice of Hearing advising the parties of the date, time, and location of the hearing, which will typically be held within ten (10) business days of the date of the Notice of Hearing.

Title IX live hearings can be held at a venue where all parties and witnesses are present, along with their advisors and the decision-makers. But it can also be

held through video conferencing. The hearing will be conducted by a three (3) person hearing panel (“Hearing Panel”) comprised of two (2) faculty and/or staff members and one (1) student. The Notice of Hearing shall identify the individuals serving on the Hearing Panel. The parties shall have two (2) business days from receipt of the Notice of Hearing to challenge the participation of any panelist if a perceived bias or conflict of interest exists. The Title IX Coordinator shall make the determination as to whether any panelist should be replaced.

If the complainant or respondent desires to submit any additional information in writing to the hearing panel, it must be provided no less than two (2) business days before the hearing to the panel and the opposing party.

The applicable standard of evidence in hearings under these procedures is “preponderance of evidence.” “Preponderance of evidence” means the greater weight of the evidence or evidence that more likely than not tends to prove a certain proposition.

The complainant and respondent are permitted, but not required, to attend the hearing. If requested by either party, the complainant and the respondent do not have to be present in the same room at the same time.

During the hearing, each party shall have the following rights:

- (1) Each party shall have an equal opportunity to present relevant witnesses and other evidence;
- (2) Each party shall have the opportunity to cross examine witnesses; however, neither the complainant nor the respondent is permitted to personally question or cross-examine each other or any witnesses. The party’s advisor conducts the cross examination. At the live hearing, the decision-maker(s) shall permit each party’s advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility;
- (3) Each party must be represented by an advisor of their choosing or one selected by NFC if the party has not chosen an advisor. If either party’s advisor is an attorney, NFC reserves the right to have its legal counsel present; and
- (4) Each party may submit third-party testimony.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that



the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The hearing will begin with an introduction by all Hearing Panel members. The hearing will then proceed as follows:

- (1) The Hearing Panel shall provide an overview of the process;
- (2) Opening statement from the complainant;
- (3) Opening statement from the respondent;
- (4) Testimony and witnesses by or on behalf of the complainant, including cross examination;
- (5) Testimony and witnesses by or on behalf of the respondent, including cross examination;
- (6) Closing comments from the complainant;
- (7) Closing comments from the respondent; and
- (8) The Chair of the Hearing Panel shall provide closing remarks.

Hearing Panel members are free to question either party or any witnesses at any time during the proceedings.

Irrelevant questions and evidence about a complainant's prior sexual behavior are prohibited unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent. During the hearing, before any cross-examination question is answered, the decision maker shall determine whether or not the question is relevant.

The recording of the hearing will be available for review by the parties within 5 business days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

#### Phase 4 – The Hearing Decision

The Hearing Panel will determine if any sanctions are necessary based on a majority vote. The Hearing Panel will use the preponderance of the evidence standard in coming to a Final Decision. The complainant and respondent will receive written notification of the Final Decision of Complaint of Sexual

harassment no later than five (5) business days from the date the hearing is concluded. The decision will be provided contemporaneously to the parties. The timelines set forth herein may be extended upon a showing of good cause. Any requests for an extension of these timeframes must be submitted in writing to the Title IX Coordinator who will approve or deny the request for extension within two (2) business days.

The Final Decision of Complaint of Sexual harassment will contain the following:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the Code of Conduct, if any, the respondent has or has not violated.
5. For each allegation:
  1. A statement of, and rationale for, a determination regarding responsibility;
  2. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
  3. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and

The procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

Remedial action may include, but is not limited to, disciplinary action against the respondent (which may include termination from employment or expulsion), counseling for the respondent, remedies for the complainant and others, as well as changes to NFC's overall services or policies. NFC will also eliminate the hostile environment (if one exists), take measures to prevent recurrence, and, as appropriate, remedy its effects.

Remedies for the complainant may include, but are not limited to:

- (1) Providing an effective escort to ensure that the complainant can move safely between classes and activities;
- (2) Ensuring the complainant and respondent do not share classes or extracurricular activities;

- (3) Providing available supports such as counseling and academic support;
- (4) Attempts to accommodate the complainant's academic schedule and scheduling needs to the extent possible;
- (5) Requiring that the respondent stay away from the complainant until both parties graduate; and
- (6) Prohibiting the respondent from attending school for a period of time, or transferring the respondent to other classes.

The decision-makers will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously. The Title IX Coordinator shall be responsible for implementing any remedies.

#### Phase 5 – Appealing the Final Decision of Complaint of Sexual harassment

Any party seeking to appeal the Final Decision of Complaint of Sexual harassment rendered following a hearing shall submit such a request in writing within five (5) business days of receipt of the decision to the President of NFC. The written appeal must be based on one or both of the following grounds:

- (1) If appealing this decision, the appealing party must demonstrate:
  - (a) Newly discovered evidence that was not reasonably available at the time that could affect the outcome;
  - (b) Evidence of conflict of interest or bias on the part of the Title IX Coordinator, investigator, or decision maker, that affected the outcome;
  - (c) Procedural errors that affected the outcome; or
  - (d) The Hearing Panel's sanctions are extremely disproportionate to the magnitude of the policy violation.

NFC will notify the other party in writing when an appeal is filed. The non-appealing party shall have five (5) business days from receipt of the written appeal to submit a response to the President of NFC and the appealing party. The President of NFC shall either (1) render a decision based on the record (the Complaint, investigative findings, the official record from the hearing before the Hearing Panel, the written appeal, and the response to the written appeal) or (2) schedule an appeal hearing to obtain additional information.

**Appeals without a Hearing** - If the President of NFC elects to render a decision based on the record, a written Final Decision of Appeal of Complaint of Sexual Misconduct shall be issued stating his or her findings within three (3) business days of receipt of the non-appealing party's response or, if no response was provided, no later than ten (10) business days following receipt of the written appeal.

The decision of the President of NFC is a final action and not subject to further review through NFC's internal procedures.

Students subjected to suspension or expulsion may seek to externally challenge the final decision of the President in accordance with the provisions and timeframes set forth in Florida law.

**Appeals with a Hearing** - If the President of NFC elects to schedule an appeal hearing to obtain additional information, the hearing shall be scheduled within five (5) working days of receipt of the non-appealing party's written response to the appeal. The hearing shall be audio recorded, and the audio recording shall serve as the official record of the hearing. The President and the parties may call witnesses to testify. During the hearing, each party shall have the following rights:

- (1) Each party shall have an equal opportunity to present relevant witnesses and other evidence pertaining to the appeal;
- (2) Each party shall have the opportunity to cross examine witnesses through their advisors;
- (3) Each party must be represented by an advisor of choice or if none is chosen by one provided by NFC. If either party is represented by an attorney, NFC reserves the right to have its legal counsel present; and
- (4) Each party may submit third-party testimony.

The hearing will proceed as follows:

- (1) The President shall provide an overview of the process;
- (2) Opening statement from the appealing party;
- (3) Opening statement from the non-appealing party;
- (4) Testimony and witnesses by or on behalf of the appealing party, including cross examination;

- (5) Testimony and witnesses by or on behalf of the non-appealing party, including cross examination;
- (6) Testimony and witnesses called by the President, including cross examination of witness from both parties;
- (7) Closing comments from the appealing party;
- (8) Closing comments from the non-appealing party; and
- (9) The President may provide closing remarks.

The President is free to question either party or any witnesses at any time during the proceedings. Irrelevant questions and evidence about a complainant's prior sexual behavior are prohibited unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent. During the hearing, before any cross-examination question is answered, the decision maker shall determine whether or not the question is relevant. During the hearing, before any cross-examination question is answered, the decision maker shall determine whether or not the question is relevant.

Within five (5) working days from the date of the appeal hearing, the President will render a written Final Decision of Appeal of Complaint of Sexual harassment.

The decision of the President of NFC is a final action and not subject to further review through NFC's internal procedures.

Students subjected to suspension or expulsion may seek to externally challenge the final decision of the President in accordance with the provisions and timeframes set forth in Florida law.

#### **g. Supportive Measures for Complainants**

Title IX requires NFC to take steps to ensure equal access to its education programs and activities and protect the complainant as necessary, including taking interim measures before the final outcome of an investigation. NFC will take these steps promptly once it has notice of a Sexual harassment allegation.

Complainants will be notified of their options to avoid contact with the respondent. NFC will notify the complainant of his or her Title IX rights and any available resources and the right to report a crime to campus security or local law enforcement.

## **Section 5. Publication, Training, and Record Retention**

To promote a positive working and learning environment free of Sexual Misconduct, NFC will publish the Title IX Coordinator's contact information and this policy on its website, and in all handbooks that NFC makes available to applicants for employment and admission, students, and employees. This policy will be discussed at student and new employee orientations.

The Title IX Coordinator and other designated employees involved in the **grievance process** will receive training as required under Title IX, including on issues pertaining to prevention and compliance. The training materials will be published on the NFC website.

As part of its response to allege violations of this Policy, NFC shall create and maintain for a period of seven (7) calendar years, records of any actions, including supportive measures, taken in response to a report or Formal Complaint of Sexual harassment under Title IX. NFC shall maintain for a period of seven (7) years the following records:

- (1) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript that is made of any live hearing, any disciplinary sanctions recommended and/or imposed on the respondent(s), and any remedies provided to the complainant(s) designed to restore or preserve equal access to NFC's education program or activity;
- (2) Any appeal and the result therefrom;
- (3) Any informal resolution and the result therefrom; and
- (4) All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

## **Section 6. Counseling, Advocacy, Campus Support, and Local Law Enforcement Agencies**

NFC provides complainants (students and employees) of Sexual Misconduct with written information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available, both within NFC and the community. As of the submission of this report, current available resources include the following:

<b>City of Madison Police Department Dispatch</b>	823 SW Pinckney St Madison, FL 32340 Dispatch (850) 973-4001 (Select Option 1)  Office: (850) 973-5077	Provides law enforcement and other assistance to students and employees who report dating violence, domestic violence, sexual assault or stalking.
<b>NFC Campus Security</b>	325 NW Turner Davis Drive Madison, FL 32340 (850) 973-0280	Provides assistance to students and employees who report Sexual Misconduct.
<b>U.S. Department of Education's Office for Civil Rights</b>	Atlanta Office Office for Civil Rights U.S. Department of Education 61 Forsyth St. S.W., Suite 19T10 Atlanta, GA 30303-8927	Answers inquires about the application of Title IX and its implementing regulations
<b>Madison County Memorial Hospital</b>	224 NW Crane Ave Madison, FL 32340 (850) 973-2271	Provides medical assistance 24-hours per day, 7 days per week.
<b>Refuge House (Madison)</b>	Toll-Free:1-800-500-1119 (Domestic Violence)  Toll-Free:1-888-956-7273 (Sexual Assault)  <a href="http://www.refugehouse.com">http://www.refugehouse.com</a>	Serves all people affected by domestic violence and sexual assault across the eight counties of the Big Bend. Refuge House offers support and resources to people who have been hurt by abuse or violence.
<b>Three Rivers Legal Services, Inc.</b>	334 NW Lake City Avenue Lake City, FL 32055 (386) 752-5960	Works with shelters and victims' advocates at law enforcement agencies to help survivors of intimate

	<a href="http://www.trls.org">http://www.trls.org</a>	partner violence (domestic violence).  Three Rivers Legal Services, Inc. is a local, non-profit corporation which provides free civil legal services to low-income, eligible clients in seventeen counties throughout North Florida.
<b>U.S. Citizenship and Immigration Services - Jacksonville Field Office</b>	4121 Southpoint Blvd. Jacksonville, FL 32216 (800) 375-5283	Provides citizenship and immigration information.
<b>Financial Aid Department at North Florida College</b>	325 NW Turner Davis Drive Madison, FL 32340 (850) 973-1621	Provide information about financial aid and necessary resources to successfully apply for and receive financial assistance.
<b>Title IX Coordinator</b>	Heather Smith 325 NW Turner Davis Dr. Building 3, Room 18 Madison, FL 850-973-9487 smithhe@nfc.edu	Responsible for coordinating NFC's compliance with Title IX and this policy.
<b>Deputy Title IX Coordinator</b>	Jhan Reichert 325 NW Turner Davis Dr. Building 4, Room 102 Madison, FL 850-973-9485 reichertj@nfc.edu	Responsible for assisting the Title IX Coordinator with coordinating NFC's compliance with Title IX and this policy.

NFC will provide written notification to complainants about options and available assistance. NFC will take supportive measures determined to be necessary and appropriate if they are reasonably available, regardless of whether the complainant chooses to report the allegations to campus security or local law enforcement.



Additionally, when a student or employee reports that they have been the victim of Sexual Misconduct, regardless of the location of the offense, NFC will provide a written explanation of the student's or employee's rights and options. NFC will also provide complainants with information regarding the following:

- (1) Procedures complainants should follow if Sexual Misconduct has occurred;
- (2) Information about how NFC will try to protect the confidentiality of complainants and other necessary parties;
- (3) Written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for complainants, both within NFC and in the community;
- (4) Written notification to complainants about options for, available assistance in, and how to request changes to academic and working situations or other supportive measures.; and
- (5) Procedures for institutional disciplinary action in cases of alleged Sexual Misconduct.

\*\*\* END OF PROCEDURES \*\*\*