



**District Board of Trustees
Governance & Legislative Affairs Committee Meeting
Indian River State College – Dixon Hendry Campus
Williamson Conference Center Auditorium, C112
2229 NW 9th Avenue, Okeechobee, FL 34972**

October 27, 2026

AGENDA

1. Call to Order – *Trustee George, Chair*
2. Request approval of the Recommendations by the President and Cabinet for the proposed Athletic Restructuring Plan – *Dr. Moore*
 - a. Eliminate both the Men's & Women's Swimming and Diving programs, effective at the start of the Fall 2027/28 academic year
 - b. Transition all remaining sports – specifically Baseball, Softball and Men's Basketball - to Division 2 competition in the Fall 2027/28 academic year (*Note: Volleyball is already competing in Division 2*)
 - c. Direct the administration to evaluate the feasibility of reinstating the Women's Basketball program for the 2028/29 season, pending resource availability
3. Open to Public Comment regarding updates to Board Policies in Agenda Item #4 – *Chair George*
4. Final Reading and request for approval for updates to the following Board Policies according to NEOLA suggestions – *Dr. Angela Browning*
 - a. Board Policy #1121, #2121 & #3121 – *Background Screening*
 - b. Board Policy #6320 – *Purchasing and Contracting for Commodities and Contractual Services*
 - c. Board Policy #6605 - *Crowdfunding*
 - d. Board Policy #7442 – *Emergency Opioid Antagonists in College Housing*

- e. Board Policy #8420 – *Equal Access/Equal Opportunity, Discrimination, Sexual Misconduct, and Unlawful Harassment*
- f. Board Policy #8422 – *Nondiscrimination on the Basis of Sex in Education Programs and Activities*
- g. Board Policy #8423 – *Nondiscrimination on the Basis of Sex in Dual Enrollment Education Programs and Activities*
- h. Board Policy #8470 – *Safety and Crime Prevention*
- i. Board Policy #8900 – *Anti-Fraud*

5. Adjourn



TOPIC: Recommendations by the President and Cabinet for the proposed Athletic Restructuring Plan

REGULAR AGENDA OR COMMITTEE: Governance & Legislative Affairs Committee

SUBMITTED FOR: X ACTION/VOTE
 _____ INFORMATION

SUMMARY

After a thorough review with Athletic Director Kimmelman of our current operational cost allocations, specifically examining the funding dedicated to athletics and funding allocated to the broader student body, cost data revealed that currently 5% of the overall institutional budget is directed to support athletics. While that may appear minimal at an institutional level, a granular analysis of student fee distribution reveals a profound per student spending gap. When evaluating direct operational support and student fee utilization on a per student basis, the expenditure ratio is \$41,000 per student athlete (for approximately 120 total athletes) compared to \$4,000 per general student (for approximately 24,000 students). This represents a 10-to-1 funding disparity. The institution is spending more to support the co-curricular experience of a single athlete than it does on the primary educational, academic support, and career-readiness infrastructure of a standard student. This does not align with our mission.

Unfortunately, Swimming & Diving is not a Division 1, 2, or 3 level sport. After reviewing all options available to restructure, the President and Cabinet recommend the following proposed athletic restructuring plan to better align with our mission:

- a. Eliminate both the Men's & Women's Swimming and Diving programs, effective at the start of the Fall 2027/28 academic year
- b. Transition all remaining sports – specifically Baseball, Softball and Men's Basketball - to Division 2 competition in the Fall 2027/28 academic year (*Note: Volleyball is already competing in Division 2*)
- c. Direct the administration to evaluate the feasibility of reinstating the Women's Basketball program for the 2028/29 season, pending resource availability

ALTERNATIVE(S): Not restructure

FISCAL IMPACT: Approximately \$2.5 million in savings

PRESIDENT'S RECOMMENDATION: Recommend approval

SUBMITTED BY: Dr. Tim Moore

DATE: 10/16/26

BOARD ACTION:

DATE: 10/27/26

DISTRICT BOARD OF TRUSTEES



SUMMARY OF ITEM FOR
ACTION, INFORMATION, DISCUSSION

TOPIC: Final Reading for updates to Board Policies according to NEOLA suggestions

REGULAR AGENDA OR COMMITTEE: Governance & Legislative Affairs Committee

SUBMITTED FOR: X ACTION/VOTE
 X INFORMATION

SUMMARY: Final Reading for board policies updated according to NEOLA suggestions:

- a. **Board Policies #1121, #2121, #3121 – *Background Screening*** (1121, Administration; 2121, Faculty; 3121 Staff). Policy updated to reflect changes in background screening for health care employees required by the College as well as clinical / community partners; an additional paragraph added to policy 2121 to note potential requirements for screening of faculty that may be required by clinical or community partners.
- b. **Board Policy #6320 – *Purchasing and Contracting for Commodities and Contractual Services*** – This policy has an update aligning our policy with the category or amount of purchases noted in Florida Statute.
- c. **Board Policy #6605 – *Crowdfunding*** - This is a new policy defining crowdfunding and noting that the activity is not allowed at the College. Only the President may provide an exception.
- d. **Board Policy #7442 – *Emergency Opioid Antagonists in College Housing*** - The update clarifies processes for providing opioid antagonists in college housing.
- e. **Board Policy #8420 – *Equal Access/Equal Opportunity, Discrimination, Sexual Misconduct, and Unlawful Harassment*** - The policy adds language to note the college's position regarding equal access / opportunity for job applicants and admissions.
- f. **Board Policy #8422 – *Nondiscrimination on the Basis of Sex in Education Programs and Activities*** - The policy defines sexual assault and criminal sexual contact.
- g. **Board Policy #8423 – *Nondiscrimination on the Basis of Sex in Dual Enrollment Education Programs and Activities*** - The update includes additional information in the definition of "fondling."
- h. **Board Policy #8470 – *Safety and Crime Prevention*** - Adds language to note that we will publish an annual security report as required by law.
- i. **Board Policy #8900 – *Anti-Fraud*** - The update adds language noting protection for whistleblowers.

ALTERNATIVE(S): Revised text

PRESIDENT'S RECOMMENDATION: Recommend approval

SUBMITTED BY: Dr. Angela Browning

DATE: 10/7/26

BOARD ACTION:

DATE: 10/27/26

BACKGROUND SCREENINGS_ edits added and question posed at the end of this document AB

ADOPTED Oct 17, 2023 · REVISED Jun 23, 2026

1121 - **BACKGROUND SCREENINGS**

The safety of College students and employees is of paramount importance to The District Board of Trustees (Board). Consistent with Florida law, the College requires background screening of the following:

- A. any job applicant with an accepted offer of employment;
- B. current employees offered a transfer or reclassification in employment to a safety-sensitive position, or a position of special trust or responsibility;
- C. employees who hold positions of special trust or responsibility as a condition of continued employment; and,
- D. volunteers when deemed necessary by the President.

Additionally, the College shall verify all new employees' right to work in the United States according to Federal and State laws.

Definitions

Background screenings – the review of prior employment records and completion of employment reference check.

Job Applicant - an individual who has acknowledged formal interest in an advertised position submitted through an official employment application and the official application process of the College.

Employee – any person employed by the College, full or part-time; including, but is not limited to, other personal services (OPS), Federal work study, adjunct, grant or contracted staff.

Volunteer - any person who performs or renders services to or on behalf of the College without compensation, except reimbursement for actual expenses.

Level 1 background screening - in accordance with F.S. 435.03, includes, but is not limited to, employment history checks and Statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE), and a check of the Dru Sjodin National Sex Offender Public Website, and may include local criminal records checks through local law enforcement agencies.

Level 2 background screening - in accordance with F.S. 435.04, includes, but is not limited to, fingerprinting for Statewide criminal history records checks through the FDLE, and national criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

Positions of Special Trust or Responsibility

- A. positions involved with the financial responsibilities and obligations of the college;
- B. positions providing care to children, the developmentally disabled or vulnerable adults;
- C. positions with access to sensitive information such as social security numbers or other personally identifiable information.

Safety-Sensitive Position – any position including a supervisory or management position, in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as any position that requires that the employee carry a firearm, perform life-threatening procedures, operate heavy machinery or vehicles, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position in which a momentary lapse in attention or judgment could result in injury or death to another person.

Moral turpitude - means, in general, a departure from ordinary standards of honesty, good morals, justice, or ethics.

Refusal to Cooperate/False Information

Any person who is required to undergo a background screening and who refuses to cooperate or submit fingerprints shall be disqualified for employment in such position or, if employed, may be dismissed. Volunteers are subject to the same exclusion or separation provided by this policy.

Failure to adhere to the time schedule established for submission of documents may be cause for non-consideration of employment, or if a current employee, disciplinary action.

False or misleading statements, answers, or omissions made by a person in connection with seeking employment may disqualify a person from employment with the College or, if

discovered after employment, may result in disciplinary action, including dismissal. Each case shall be considered on its own merits. Volunteers are subject to the same exclusion or separation provided by this policy.

A background screening may be conducted at any time on current employees, if the College has reason to believe an employee falsified their employment application and/or other personnel related documents; if the employee occupies a position of special trust or responsibility or a position located in safety-sensitive areas and a background screening was not conducted at the time of hire; or for other justifiable reasons.

Confidential Information

The information contained in reports received from the FDLE or the FBI shall be handled in accordance with applicable agreements between the College and these agencies. The College shall ensure that screenings are conducted in compliance with applicable laws and regulations. Records relating to criminal history checks, if retained after review, shall be securely maintained by Human Resources for the applicable retention period as appropriate.

Required Notification

Current employees and volunteers shall notify their immediate supervisor and Human Resources, within three (3) business days, of any arrest for a felony or first-degree misdemeanor. Employees must also self-report in accordance with Policy 1121.01 - *Mandatory Self-Reporting*.

Credit Check

~~A credit check must be performed for an employee in any position that handles money, sensitive banking information, or has access to student and/or college financial records.~~

Drivers' License Check

A driver's license check is required to verify that an applicant possesses a valid driver's license and to verify the applicant's driving history for any position whose duties include, but are not limited to, operating licensed motor vehicles (including golf carts) owned, rented or leased by the College or for business of the College. A driver's license/driving record may be checked at the discretion of College management.

If unfavorable information is detected, the Human Resources department, after discussion with the responsible Vice President, will produce a final decision.

Level 1 Screening

A Level 1 background screening is required for any job applicant with an accepted offer of employment for full and part-time positions.

A Level 1 background screening is required for volunteers prior to beginning volunteer service when deemed necessary.

Human Resources will coordinate the background screening. Results of the background screening will be sent directly to Human Resources. Upon receipt of results, Human Resources shall review,

and evaluate all information, and share with the responsible party.

If the background screening does not result in negative findings, Human Resources will notify the hiring authority that the applicant has been cleared for hiring, and will proceed with the hiring process.

If the background screening results in negative findings, the College will make an individualized assessment of the particular applicant and the job in question and consider, among other relevant information:

- A. the nature and seriousness of the offense(s);
- B. the amount of time that has elapsed since the offense(s);
- C. the number and type of offenses;
- D. the accuracy and completeness of the information provided by the applicant;
- E. the nature of the position in question and the relationship of the offense to the responsibilities of the position; and
- F. whether employment would pose an unacceptable level of risk to the College.

Human Resources, after discussion with the responsible Vice President, will produce a final decision.

Level 2 Screening

A Level 2 Criminal Background Screening and Fingerprinting is required for any job applicant.

. persons in a position of special trust or responsibility, those who are in a safety-sensitive position, or when deemed necessary for a specific position.

Human Resources will coordinate the background screening. Results of the background screening will be sent directly to Human Resources. Upon receipt of results, Human Resources shall review and evaluate all information. If the background screening does not result in negative findings, Human Resources will notify the hiring authority that the applicant has been cleared for hiring, and will proceed with the selection and hiring process.

Any individual who is in a position of special trust or responsibility; or who is located in a safety-sensitive area may be disqualified from employment or continued employment with the College by reason of:

- A. conviction of a first-degree misdemeanor or a felony;
- B. entering a plea of nolo contendere or, when a jury verdict of guilty is rendered but adjudication of guilt is withheld, with respect to a first-degree misdemeanor or a felony; or
- C. conviction of a crime involving moral turpitude.

Results that indicate any criminal history will be reviewed based on its implications for the safety and security of the campus community and in accordance with F.S. 435. The security background investigation must ensure that no one subject to this requirement has been arrested for and are awaiting final disposition of, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged, for any offense listed in F.S. 435.04.

Human Resources, after discussion with the responsible Vice President, will produce a final decision.

Drug Screenings

Candidates deemed to be

for employment in positions of trust are required to submit to a drug test once a conditional offer of employment has been extended and accepted.

~~All rehires will be subject to a new drug screening.~~

Human Resources will coordinate the drug testing. Results of the test will be sent directly to Human Resources. Human Resources will review the results, evaluate the information, and share the results with the responsible Vice President, who will produce a final decision. Following discussion with the appropriate Vice President, the Vice President will produce a final decision.

shall be responsible for ensuring that any job applicant with an accepted offer of employment have completed the drug test.

If a candidate has a positive test, refused to test, or a confirmed invalid test, the candidate may be denied employment. The

prospective prospective employee will be notified by Human Resources.

The College reserves the right to conduct random drug screenings under suspicion of cause.

Disqualification

If the College has reasonable cause to believe grounds for the denial of employment or the dismissal of an employee exist as a result of a background screening, Human Resources will notify the applicant or employee, in writing, of their rights pursuant to Florida statute,

the Fair Credit Reporting Act

and the College's Administrative Procedure. This notification will include direction for contesting the disqualification or requesting an exemption from disqualification.

A. Contesting the Disqualification

If the College determines that denial of employment or dismissal is warranted, the particular applicant or employee, pursuant to Florida statute,

the Fair Credit Reporting Act, and College Policy, will be provided the opportunity to present supporting documentation or evidence if they feel the information or negative findings from the background screening are in error. In accordance with F.S. 435.06, the only basis for contesting the disqualification is proof of mistaken identity. It shall be the responsibility of the affected applicant or employee to contest disqualification or to request exemption from disqualification.

B. Requesting an Exemption from Disqualification

In accordance with F.S. 435.07, the College may grant an employee or applicant for employment an exemption from disqualification on the following grounds:

1. felonies for which at least three (3) years have elapsed since the person was lawfully released from confinement, supervision or non-monetary conditions imposed by the Court for the disqualifying felony;
2. misdemeanors (or offenses that were felonies when committed, but are now misdemeanors) for which the person has been lawfully released from

confinement, supervision, or non-monetary conditions imposed by the Court; and

3. findings of delinquency for offenses that would be felonies if committed by an adult and the record has not been sealed or expunged, when at least three (3) years have elapsed since the person completed or has been lawfully released from confinement, supervision, or nonmonetary conditions imposed by the Court.

In addition, for anyone requesting an exemption from disqualification, if they were ordered by the court to pay any fee, fine, fund lien, civil judgment, application, cost of prosecution, trust, or restitution as part of the judgment and sentence for any disqualifying felony or misdemeanor, must provide proof that the court ordered amount has been paid in full.

It is the responsibility of Human Resources to consider the results of the background screening and additional verified facts provided by the individual and determine the impact of the individual's employment on the College's campus community and its potential risk or threat posed to students, faculty and staff. The assessment of Human Resources shall be submitted along with their recommendation, where appropriate, to the President, who will issue a final determination.

Care Provider Background Screening Clearinghouse

The College is a registered employer with the Care Provider Background Screening Clearinghouse. Criminal history checks through the Care Provider Background Screening will be conducted before referring an employee or potential employee or a person with a current or potential affiliation with a qualified entity under F.S. 435.12 for electronic fingerprint submission to the Florida Department of Law Enforcement.

The College shall publish a clear and conspicuous link on its official website, and provide the link in all job vacancy advertisements and posts, to the Agency for Health Care Administration's webpage related to the Care Provider Background Clearinghouse. .

DRAFTING NOTE : AHCA is not required to activate the website until January 1, 2026 :

IR SC uses VECHS - the Charter High Schools use AHCA - should we change this paragraph?

Changes to Initial Status - Care Provider Background Screening Clearinghouse

Before January 1, 2024, initial status and any changes in status must be reported within ten (10) business days after a person receives their initial status or after a change in the person's status has been made.

Effective January 1, 2024, initial status and any changes in status must be reported within five (5) business days after a person receives their initial status or after a change in the person’s status has been made.

Effective 11/1/23

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Legal

- F.S. 110.1127
- F.S. 435
- F.S. 1001.64
- F.S. 1001.65
- F.S. 1012.8551

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INSTRUCTIONAL

po2121 mlm 3/19/26

BACKGROUND SCREENINGS

ADOPTED Oct 17, 2023 · REVISED Jun 23, 2026

2121 - **BACKGROUND SCREENINGS**

The safety of College students and employees is of paramount importance to The District Board of Trustees (Board). Consistent with Florida law, the College requires background screening of the following:

- A. any job applicant with an accepted offer of employment;
- B. current employees offered a transfer or reclassification in employment to a safety-sensitive position, or a position of special trust or responsibility;
- C. employees who hold positions of special trust or responsibility as a condition of continued employment; and,
- D. volunteers when deemed necessary by the President.

Additionally, the College shall verify all new employees' right to work in the United States according to Federal and State laws.

Definitions

Background screenings – the review of prior employment records and completion of employment reference check.

Job Applicant - an individual who has acknowledged formal interest in an advertised position submitted through an official employment application and the official application process of the College.

Employee – any person employed by the College, full or part-time; including, but is not limited to, other personal services (OPS), Federal work study, adjunct, grant or contracted staff.

Volunteer - any person who performs or renders services to or on behalf of the College without compensation, except reimbursement for actual expenses.

Level 1 background screening - in accordance with F.S.435.03, includes, but is not limited to, employment history checks and Statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE), and a check of the Dru Sjodin National Sex Offender Public Website, and may include local criminal records checks through local law enforcement agencies.

Level 2 background screening - in accordance with F.S. 435.04, includes, but is not limited to, fingerprinting for Statewide criminal history records checks through the FDLE, and national criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

Positions of Special Trust or Responsibility

- A. positions involved with the financial responsibilities and obligations of the College;
- B. positions providing care to children, the developmentally disabled or vulnerable adults;
- C. positions with access to sensitive information such as social security numbers or other personally identifiable information.

Safety-Sensitive Position – any position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as any position that requires that the employee carry a firearm, perform life-threatening procedures, operate heavy machinery or vehicles, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position in which a momentary lapse in attention or judgment could result in injury or death to another person.

Moral turpitude - means, in general, a departure from ordinary standards of honesty, good morals, justice or ethics.

Refusal to Cooperate/False Information

Any person who is required to undergo a background screening and who refuses to cooperate or submit fingerprints shall be disqualified for employment in such position or, if employed, may be dismissed. Volunteers are subject to the same exclusion or separation provided by this policy.

Failure to adhere to the time schedule established for submission of documents may be cause for non-consideration of employment, or if a current employee, disciplinary action.

False or misleading statements, answers, or omissions made by a person in connection with seeking employment may disqualify a person from employment with the College or, if

discovered after employment, may result in disciplinary action, including dismissal. Each case shall be considered on its own merits. Volunteers are subject to the same exclusion or separation provided by this policy.

A background screening may be conducted at any time on current employees, if the College has reason to believe an employee falsified their employment application and/or other personnel related documents; if the employee occupies a position of special trust or responsibility or a position located in safety-sensitive areas and a background screening was not conducted at the time of hire; or for other justifiable reasons.

Confidential Information

The information contained in reports received from the FDLE or the FBI shall be handled in accordance with applicable agreements between the College and these agencies. The College shall ensure that screenings are conducted in compliance with applicable laws and regulations. Records relating to criminal history checks, if retained after review, shall be securely maintained by Human Resources for the applicable retention period as appropriate.

Required Notification

Current employees and volunteers shall notify their immediate supervisor and Human Resources, within three (3) business days, of any arrest for a felony or first degree misdemeanor. Employees must also self-report in accordance with Policy 2121.01 - *Mandatory Self-Reporting*.

Credit Check

A credit check must be performed for an employee in any position that handles money, sensitive banking information, or has access to student and/or college financial records.

Drivers' License Check

A driver's license check is required to verify that an applicant possesses a valid driver's license and to verify the applicant's driving history for any position whose duties include, but are not limited to, operating licensed motor vehicles (including golf carts) owned, rented or leased by the College or for business of the College. A driver's license/driving record may be checked at the discretion of College management.

If unfavorable information is detected, the Human Resources department, after discussion with the responsible Vice President, will produce a final decision.

Level 1 Screening

A Level 1 background screening is required for any job applicant with an accepted offer of employment; for full and part-time positions.

A Level 1 background screening is required for volunteers prior to beginning volunteer service when deemed necessary.

Human Resources will coordinate the background screening. Results of the background screening will be sent directly to Human Resources designee. Upon receipt of results, Human Resources shall review

and evaluate all information, and share with the responsible party.

If the background screening does not result in negative findings, Human Resources will notify the hiring authority that the applicant has been cleared for hiring, and will proceed with the hiring process.

If the background screening results in negative findings, the College will make an individualized assessment of the particular applicant and the job in question and consider, among other relevant information:

- A. the nature and seriousness of the offense(s);
- B. the amount of time that has elapsed since the offense(s);
- C. the number and type of offenses;
- D. the accuracy and completeness of the information provided by the applicant;
- E. the nature of the position in question and the relationship of the offense to the responsibilities of the position; and
- F. whether employment would pose an unacceptable level of risk to the College.

Human Resources, after discussion with the responsible Vice President, will produce a final decision.

Level 2 Screening

A Level 2 Criminal Background Screening and Fingerprinting is required for any job applicant.

persons in a position of special trust or responsibility, those who are in a safety-sensitive position, or when deemed necessary for a specific position.

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- A. conviction of a first-degree misdemeanor or a felony;
- B. entering a plea of nolo contendere or, when a jury verdict of guilty is rendered but adjudication of guilt is withheld, with respect to a first-degree misdemeanor or a felony; or
- C. conviction of a crime involving moral turpitude.

Results that indicate any criminal history will be reviewed based on its implications for the safety and security of the campus community and in accordance with F.S. 435. The security background investigation must ensure that no one subject to this requirement has been arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged, for any offense listed in F.S. 435.04.

Human Resources, after discussion with the responsible Vice President, will produce a final decision.

Drug Screenings

Candidates

~~deemd to be for full-time employments, and other employees~~ in positions of trust are required to submit to a drug test once a conditional offer of employment has been extended and accepted.

Human Resources will coordinate the drug testing. Results of the test will be sent directly to Human Resources. HumanResources will review the results, evaluate the information, and share the results with the responsible Vice President.Following discussion with the appropriate Vice President, the Vice President will produce a final decision

~~Human Resources shall be responsible for ensuring that any job applicant with an accepted offer of employment have completed the drug test.~~

If a candidate has a positive test, refused to test, or a confirmed invalid test, the candidate may be denied employment. The

~~prospective~~ employee will be notified by Human Resources.

The College reserves the right to conduct random drug screenings under suspicion of cause.

Disqualification

If the College has reasonable cause to believe grounds for the denial of employment or the dismissal of an employee exist as a result of a background screening, Human Resources will notify the applicant or employee, in writing, of their rights pursuant to Florida statute,

the Fair Credit Reporting Act and the College's Administrative Procedure. This notification will include direction for contesting the disqualification or requesting an exemption from disqualification.

A. Contesting the Disqualification

If the College determines that denial of employment or dismissal is warranted, the particular applicant or employee, pursuant to Florida statute,

the Fair Credit Reporting Act, and Board Policy, will be provided the opportunity to present supporting documentation or evidence if they feel the information or negative findings from the background screening are in error. In accordance with F.S. 435.06, the only basis for contesting the disqualification is proof of mistaken identity. It shall be the responsibility of the affected applicant or employee to contest their disqualification or to request exemption from disqualification.

B. Requesting an Exemption from Disqualification

In accordance with F.S. 435.07, the College may grant an employee or applicant for employment an exemption from disqualification on the following grounds:

1. felonies for which at least three (3) years have elapsed since the person was lawfully released from confinement, supervision or non-monetary conditions imposed by the Court for the disqualifying felony;
2. misdemeanors (or offenses that were felonies when committed, but are now misdemeanors) for which the person has been lawfully released from confinement, supervision, or non-monetary conditions imposed by the Court; and
3. findings of delinquency for offenses that would be felonies if committed by an adult and the record has not been sealed or expunged, when at least three (3) years have elapsed since the person completed or has been lawfully released from confinement, supervision, or nonmonetary conditions imposed by the Court.

In addition, for anyone requesting an exemption from disqualification, if they were ordered by the court to pay any fee, fine, fund lien, civil judgment, application, cost of prosecution, trust, or restitution as part of the judgment and sentence for any disqualifying felony or misdemeanor, must provide proof that the court ordered amount has been paid in full.

It is the responsibility of Human Resources to consider the results of the background screening and additional verified facts provided by the individual and determine the impact of the individual's employment on the College's campus community and its potential risk or threat posed to students, faculty and staff. The assessment of Human Resources shall be submitted along with their recommendation, where appropriate, to the President, who will issue a final determination.

Care Provider Background Screening Clearinghouse

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The College shall publish a clear and conspicuous link on its official website, and provide the link in all job vacancy advertisements and posts, to the Agency for Health Care Administration's webpage related to the Care Provider Background Clearinghouse. . [

Faculty assignments that include a collaborative affiliation partner must meet all credentialing, compliance, and/or eligibility requirements established by the College and the applicable affiliation agreement(s). Such requirements may include, but are not limited to, Level II fingerprint-based background screening, drug screening, health related items, professional licensure verification, mandatory education and training, and any additional screening or credentialing required by the clinical affiliate.

The affiliated community partner requirements are subject to change at any time based on contractual obligations, regulatory changes, accreditation standards, or healthcare facility policies. College employees are responsible for maintaining continuous compliance with all applicable credentialing, compliance, and/or eligibility requirements established by the College and the applicable affiliation agreement(s). Failure to obtain or maintain required affiliated community partner requirements directly impact's the faculty members' instructional duties as assigned.

~~DRAFTING NOTE: AHCA is not required to activate the website until January 1, 2026 .]~~

Changes to Initial Status - Care Provider Background Screening Clearinghouse

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Effective January 1, 2024, initial status and any changes in status must be reported within five (5) business days after a person receives their initial status or after a change in the person's status has been made.

Effective 11/1/23

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Legal

F.S. 110.1127

F.S. 435

F.S. 1001.64

F.S. 1001.65

F.S. 1012.8551

NONINSTRUCTIONAL

po3121 mlm 3/19/26

BACKGROUND SCREENINGS

ADOPTED Oct 17, 2023 · REVISED Jun 23, 2026

3121 - **BACKGROUND SCREENINGS**

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- B. current employees offered a transfer or reclassification in employment to a safety-sensitive position, or a position of special trust or responsibility;
- C. employees who hold positions of special trust or responsibility as a condition of continued employment; and,
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Additionally, the College shall verify all new employees' right to work in the United States according to Federal and State laws.

Definitions

Background screenings – the review of prior employment records and completion of employment reference check.

Job Applicant - an individual who has acknowledged formal interest in an advertised position submitted through an official employment application and the official application process of the College.

Employee – any person employed by the College, full or part-time; including, but is not limited to, other personal services (OPS), Federal work study, adjunct, grant or contracted staff.

Volunteer - any person who performs or renders services to or on behalf of the College without compensation, except reimbursement for actual expenses.

Level 1 background screening - in accordance with F.S. 435.03, includes, but is not limited to, employment history checks and Statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE), and a check of the Dru Sjodin National Sex Offender Public Website, and may include local criminal records checks through local law enforcement agencies.

Level 2 background screening - in accordance with F.S. 435.04, includes, but is not limited to, fingerprinting for Statewide criminal history records checks through the FDLE, and national criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

Positions of Special Trust or Responsibility

- A. positions involved with the financial responsibilities and obligations of the College;
- B. positions providing care to children, the developmentally disabled or vulnerable adults;
- C. positions with access to sensitive information such as social security numbers or other personally identifiable information.

Safety-Sensitive Position – any position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires that the employee carry a firearm, perform life-threatening procedures, operate heavy machinery or vehicles, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position in which a momentary lapse in attention or judgement could result in injury or death to another person.

Moral turpitude - means, in general, a departure from ordinary standards of honesty, good morals, justice, or ethics.

Refusal to Cooperate/False Information

Any person who is required to undergo a background screening and who refuses to cooperate or submit fingerprints shall be disqualified for employment in such position or, if employed, may be dismissed. Volunteers are subject to the same exclusion or separation provided by this policy.

Failure to adhere to the time schedule established for submission of documents may be cause for non-consideration of employment, or if a current employee, disciplinary action.

False or misleading statements, answers, or omissions made by a person in connection with seeking employment may disqualify a person from employment with the College or, if discovered after employment, may result in disciplinary action, including dismissal. Each

case shall be considered on its own merits. Volunteers are subject to the same exclusion or separation provided by this policy.

A background screening may be conducted at any time on current employees, if the College has reason to believe an employee falsified their employment application and/or other personnel related documents; if the employee occupies a position of special trust or responsibility or a position located in safety-sensitive areas and a background screening was not conducted at the time of hire; or for other justifiable reasons.

Confidential Information

The information contained in reports received from the FDLE or the FBI shall be handled in accordance with applicable agreements between the College and these agencies. The College shall ensure that screenings are conducted in compliance with applicable laws and regulations. Records relating to criminal history checks, if retained after review, shall be securely maintained by Human Resources for the applicable retention period as appropriate.

Required Notification

Current employees and volunteers shall notify their immediate supervisor and Human Resources, within three (3) business days, of any arrest for a felony or first degree misdemeanor. Employees must also self-report in accordance with Policy 3121.01 - *Mandatory Self-Reporting*.

Credit Check

~~A credit check must be performed for an employee in any position that handles money, sensitive banking information, or has access to student and/or college financial records.~~

Drivers' License Check

A driver's license check is required to verify that an applicant possesses a valid driver's license and to verify the applicant's driving history for any position whose duties include, but are not limited to, operating licensed motor vehicles (including golf carts) owned, rented or leased by the College or for business of the College. A driver's license/driving record may be checked at the discretion of College management.

If unfavorable information is detected, the Human Resources department, after discussion with the responsible Vice President, will produce a final decision.

Level 1 Screening

A Level 1 background screening is required for any job applicant with an accepted offer of employment; for full and part-time positions.

A Level 1 background screening is required for volunteers prior to beginning volunteer service when deemed necessary.

Human Resources will coordinate the background screening. Results of the background screening will be sent directly to Human Resources. Upon receipt of results, Human Resources shall review

and evaluate all information, and share with the responsible party.

If the background screening does not result in negative findings, Human Resources will notify the hiring authority that the applicant has been cleared for hiring, and will proceed with the hiring process.

If the background screening results in negative findings, the College will make an individualized assessment of the particular applicant and the job in question and consider, among other relevant information:

- A. the nature and seriousness of the offense(s);
- B. the amount of time that has elapsed since the offense(s);
- C. the number and type of offenses;
- D. the accuracy and completeness of the information provided by the applicant;
- E. the nature of the position in question and the relationship of the offense to the responsibilities of the position; and
- F. whether employment would pose an unacceptable level of risk to the College.

Human Resources, after discussion with the responsible Vice President, will produce a final decision.

Level 2 Screening

A Level 2 Criminal Background Screening and Fingerprinting is required for any job applicant

persons in a position of special trust or responsibility, those who are in a safety-sensitive position, or when deemed necessary for a specific position.

Human Resources will coordinate the background screening. Results of the background screening will be sent directly to Human Resources. Upon receipt of results, Human Resources shall review and evaluate all information. If the background screening does not result in negative findings, Human Resources will notify the hiring authority that the applicant has been cleared for hiring, and will proceed with the selection and hiring process.

Any individual who is in a position of special trust or responsibility; or who is located in a safety-sensitive area may be disqualified from employment or continued employment with the College by reason of:

- A. conviction of a first-degree misdemeanor or a felony;
- B. entering a plea of nolo contendere or, when a jury verdict of guilty is rendered but adjudication of guilt is withheld, with respect to a first-degree misdemeanor or a felony; or
- C. conviction of a crime involving moral turpitude.

Results that indicate any criminal history will be reviewed based on its implications for the safety and security of the campus community and in accordance with F.S. 435. The security background investigation must ensure that no one subject to this requirement has been arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged, for any offense listed in F.S. 435.04.

Human Resources, after discussion with the responsible Vice President, will produce a final decision.

Drug Screenings

Candidates deemed to be

~~for full-time employment~~ in positions of trust are required to submit to a drug test once a conditional offer of employment has been extended and accepted.

~~All rehires will be subject to a new drug screening.~~

Human Resources will coordinate the drug testing. Results of the text will be sent directly to Human Resources. Human Resources will review the results, evaluate the information, and share the results with the responsible Vice President who will produce a final decision. shall be responsible for ensuring that any job applicant with an accepted offer of employment; have completed the drug test.

If a candidate has a positive test, refused to test, or a confirmed invalid test, the candidate may be denied employment. The prospective employee will be notified by Human Resources.

The College reserves the right to conduct random drug screenings under suspicion of cause.

Disqualification

If the College has reasonable cause to believe grounds for the denial of employment or the dismissal of an employee exist as a result of a background screening, Human Resources will notify the applicant or employee, in writing, of their rights pursuant to Florida statute § 435.06, the Fair Credit Reporting Act and the College's Administrative Procedure. This notification will include direction for contesting the disqualification or requesting an exemption from disqualification.

A. Contesting the Disqualification

If the College determines that denial of employment or dismissal is warranted, the particular applicant or employee, pursuant to Florida statute,

the Fair Credit Reporting Act, and College Policy, will be provided the opportunity to present supporting documentation or evidence if they feel the information or negative findings from the background screening are in error. In accordance with F.S. 435.06, the only basis for contesting the disqualification is proof of mistaken identity. It shall be the responsibility of the affected applicant or employee to contest their disqualification or to request exemption from disqualification.

B. Requesting an Exemption from Disqualification

In accordance with F.S. 435.07, the College may grant an employee or applicant for employment an exemption from disqualification on the following grounds:

1. felonies for which at least three (3) years have elapsed since the person was lawfully released from confinement, supervision or non-monetary conditions imposed by the Court for the disqualifying felony;
2. misdemeanors (or offenses that were felonies when committed, but are now misdemeanors) for which the person has been lawfully released from confinement, supervision, or non-monetary conditions imposed by the Court; and
3. findings of delinquency for offenses that would be felonies if committed by an adult and the record has not been sealed or expunged, when at least three

(3) years have elapsed since the person completed or has been lawfully released from confinement, supervision, or nonmonetary conditions imposed by the Court.

In addition, for anyone requesting an exemption from disqualification, if they were ordered by the court to pay any fee, fine, fund lien, civil judgment, application, cost of prosecution, trust, or restitution as part of the judgment and sentence for any disqualifying felony or misdemeanor, must provide proof that the court ordered amount has been paid in full.

It is the responsibility of Human Resources to consider the results of the background screening and additional verified facts provided by the individual and determine the impact of the individual's employment on the College's campus community and its potential risk or threat posed to students, faculty, and staff. The assessment of Human Resources shall be submitted along with their recommendation, where appropriate, to the President, who will issue a final determination.

Care Provider Background Screening Clearinghouse

The College is a registered employer with the Care Provider Background Screening Clearinghouse. Criminal history checks through the Care Provider Background Screening will be conducted before referring an employee or potential employee or a person with a current or potential affiliation with a qualified entity under F.S. 435.12 for electronic fingerprint submission to the Florida Department of Law Enforcement.

The College shall publish a clear and conspicuous link on its official website, and provide the link in all job vacancy advertisements and posts, to the Agency for Health Care Administration's webpage related to the Care Provider Background Clearinghouse. . [

~~DRAFTING NOTE: AHCA is not required to activate the website until January 1, 2026.]~~

Changes to Initial Status - Care Provider Background Screening Clearinghouse

Before January 1, 2024, initial status and any changes in status must be reported within ten (10) business days after a person receives their initial status or after a change in the person's status has been made.

Effective January 1, 2024, initial status and any changes in status must be reported within five (5) business days after a person receives their initial status or after a change in the person's status has been made.

Effective 11/1/23

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Legal

F.S. 110.1127

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FINANCES

po6320 mlm 3/19/26

PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES

ADOPTED Oct 17, 2023 · REVISED Feb 25, 2025

6320 - **PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES**

Any College employee who has purchasing authority shall consider first the interests of the College in all purchases and seek to obtain the maximum value for each dollar expended; not solicit or accept any gifts or gratuities from present or potential suppliers which might influence or appear to influence purchasing decisions; and refrain from any private business or professional activity that might present a conflict of interest in making purchasing decisions on behalf of the College.

No person, unless authorized to do so under this policy, may make any purchase or enter into any contract involving the use of College funds. The District Board of Trustees (Board) will not approve any expenditure for an unauthorized purchase or contract.

Purchases may be made through an online procurement system, an electronic auction service, or other efficient procurement tool.

Scope

This policy shall generally apply to the College's purchase of commodities and contractual services, except it shall not apply to:

- A. employment contracts;
- B. acquisition of architectural, engineering, landscape architectural, construction management at risk, registered surveying and mapping, or other services pursuant to Policy 6330 - *Acquisition of Professional Architectural, Engineering, Landscape Architectural, or Land Surveying Services*;
- C. contracts which are exempted, in whole or in part, from this policy's requirements, as set forth below; or by law; or
- D. proposals and agreements for public-private partnerships with private entities for qualifying projects pursuant to F.S. 287.057(12).

Definitions

- A. 'Competitive solicitation' means purchasing made through the issuance of an invitation to bid, request for proposals, and invitation to negotiate.
- B. 'Invitation to bid' means a written or electronic solicitation for competitive sealed bids. The invitation to bid is used when the Board is capable of specifically defining the scope of work for which a contractual service is required or when the Board is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.
- C. 'Invitation to negotiate' means a written or electronically posted solicitation for competitive sealed replies to select one (1) or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the Board determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.
- D. 'Proposer' means those vendors submitting bids or responses to a competitive solicitation.
- E. 'Request for proposals' means a written or electronically posted solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the Board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the Board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.
- F. 'President' means the 'President or designee'.
- G. 'Request for Quotations' means an informal process to solicit one (1) or more price quotes on commodities or contractual services with standard specifications and valued under the threshold requiring formal competitive solicitations. Quotations on vendor letterhead is required and may be obtained via facsimile or e-mail.

Pre-Purchasing Review of Available Purchasing Agreements and State Term Contracts for Nonacademic Commodities and Contractual Services

Before purchasing nonacademic commodities and contractual services, the Board authorizes the President to review the purchasing agreements and State term contracts available under F.S. 287.056 to determine whether it is in the Board's economic advantage to use the agreements and contracts.

Each bid specification for nonacademic commodities and contractual services must include a statement indicating that the purchasing agreements and State term contracts available under F.S. 287.056 have been reviewed. This policy does not apply to services that are eligible for reimbursement under the Federal E-rate program administered by the Universal Service Administrative Company.

Competitive Solicitation Requirements for Commodities and Contractual Services Other Than Construction Contracting

Except as authorized by law or policy, competitive solicitations shall be requested from three (3) or more sources for the purchase of any authorized commodities or contractual services exceeding the amount specified in F.S. 287.017, Category ~~Three~~ Two.

The procurement of commodities or contractual services may not be divided so as to avoid this monetary threshold requirement.

A. Bid Solicitation

The President is authorized to issue invitations for bids.

B. Bid Publication

Notice of the invitation for bids or requests for proposals shall be published on the College's Purchasing website or other purchasing sites, and if required may be otherwise issued electronically, direct delivery, or other means which are appropriate under the circumstances. The required bid return date is to be announced at the time of the bid offering and shall not be less than five (5) working days from the bid offering date.

C. Bid Responses

The invitations to bid must be responded to by three (3) or more qualified vendors/bidders.

D. Bid Opening

Bids will be opened in the office designated in the bid advertisement.

E. Bid Rejection

The Board may reject any or all bids and request new bids.

F. Bid Award

In acceptance of responses to invitations to bid, the Board may accept the proposal of the lowest responsive, responsible proposer. The Board may also choose to award contracts to the lowest responsive, responsible bidder as the primary awardee of a contract and to the next lowest responsive, responsible bidder(s) as alternate awardees, from whom commodities or contractual services would be purchased, should the primary awardee become unable to provide all of the commodities or contractual services required by the Board during the term of the contract. Nothing herein is meant to prevent multiple awards to the lowest responsive and responsible bidders, when such multiple awards are clearly stated in the bid solicitation documents.

For a bidder to be considered responsive, the proposal must respond to all bid specifications in all material respects and contain no irregularities or deviations from the bid specifications which would affect the amount of the bid or otherwise provide a competitive advantage.

For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning:

1. the experience (type of product or service being purchased, etc.) of the bidder;
2. the financial condition;
3. the conduct and performance on previous contracts (with the College or other agencies);
4. the bidder's facilities;
5. management skills;
6. the ability to execute the contract properly; and
7. a signed affidavit ensuring that neither the bidder nor any subcontractor has entered into an agreement with any labor organization regarding the public improvement project.

Award of a bid shall not create a binding obligation on the Board, and no obligation shall be created or imposed on the College until such time as the Board Chair/designee executes a contract.

Identical/Tie Low Bids

In the event two (2) or more proposers submit the exact dollar amount as their proposal offer, the following criteria, in order of importance, shall be used to break said tie: (1) Drug-

Free Work Place, (2) Florida proposers, (3) Proposer's place of business is within the County or one of the neighboring Counties, (4) or decision based satisfactory reference checks when all other factors are equal.

Exception to Competitive Bidding Requirements

Notwithstanding anything in this policy to the contrary, the Board may make certain purchases without the requirement for competitive solicitations, under the following conditions:

- A. In lieu of requesting competitive solicitations from three (3) or more sources, the Board may make purchases at or below the unit prices in contracts awarded by other Federal, State, city or county governmental agencies, school boards, community colleges, or State university system cooperative bid agreements when the proposer awarded a contract by another entity will permit purchases by the Board at the same terms, conditions, and unit prices (or below such prices) awarded in such contract, and such purchases are to the economic advantage of the Board.
- B. The State Board has waived the requirement for requesting competitive solicitations from three (3) or more sources for purchases by the Board of:
 1. Professional services which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services; legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; provided nothing herein shall be deemed to authorize the President to acquire professional consultant services without Board approval as required by Board Policy 6329;
 2. Educational services and any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, DVDs, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the State, a governmental agency or a recognized educational institution;
 3. Commodities and contractual services when:
 - a. competitive solicitations have been requested in the manner prescribed by this policy; and

- b. the Board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time.

When such a finding has been officially made, the Board may enter into negotiations with suppliers of such commodities and contractual services and may execute contracts with such vendors under whatever terms and conditions as the Board determines to be in its best interests.

- 4. Commodities and contractual services when fewer than two (2) responsive proposals are received. The Board may then negotiate on the best terms and conditions or decide to reject all proposals. The Board will document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the College in lieu of re-soliciting proposals.

- E. Information technology resources, whether by purchase, lease, lease with option to purchase, rental, or otherwise as defined in F.S. 282.0041(15), may be acquired by competitive solicitation or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the College as determined by the Board.

- F. Purchases of insurance, risk management programs, or contracting with third party administrators for insurance-related services may be through competitive solicitation or by direct negotiation and contract with a vendor or supplier.

- G. The Board may dispense with requirements for competitive solicitation for the emergency purchase of commodities or contractual services when the President determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the College requires emergency action. After the President makes such a written determination, the Board may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, such an emergency purchase shall be made by obtaining pricing information from at least two (2) prospective vendors, which must be retained in the contract file, unless the President determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the College.

- H. Single source procurements for the purpose of economy or efficiency in standardization of materials or equipment. Commodities or contractual services available only from a single source may be exempted from the competitive solicitation requirements.

- I. The Board may make purchases of construction project materials directly from vendors, on behalf of the awarded construction contractor/manager, to take advantage of the College's 'sales tax' exempt status.

J. A contract for commodities or contractual services may be awarded without competitive solicitations if State or Federal law, a grant or a State or Federal agency contract prescribes with whom the Board must contract or if the rate of payment is established during the appropriations process.

K. A contract for regulated utilities or government franchised services may be awarded without competitive solicitations.

Contract

Each Board contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:

- A. keep and maintain public records that ordinarily and necessarily would be required by the Board in order to perform the service under the contract;
- B. provide the public with access to its public records on the same terms and conditions as the Board would provide the records, and at a cost that does not exceed the cost provided in Policy 8310 - *Public Records*;
- C. ensure that any of its public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;
- D. meet all requirements for retaining public record and, upon termination of the contract, transfer to the Board, at no cost, all public records in its possession and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Board in a format that is compatible with the Board's information technology systems; and
- E. the contractor shall furnish a copy of any public records request or request for records in any way relating to the College, immediately upon receipt to the College's Director of Purchasing.

Each contract must also include the following statement, in substantially the following form, identifying the contact information of the College's custodian of public records in at least fourteen (14) point boldface type: 'IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF F.S. CHAPTER 119 TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT Board Attorney, (772)462-7301, mc Crawford@irsc.edu, 3209 Virginia Ave. Fort Pierce, FL 34981.

Contracts shall be approved and executed as follows:

A. President/Designee Authority

The President is authorized to approve and execute contracts on behalf of the College involving expenditure of public funds in an amount no greater than allowed by F.S. 287.017, Category Five so long as the obligation created does not exceed the applicable appropriation within the College budget and the contract is otherwise in compliance with applicable College procedures, policies, and law. For purposes of this policy, any group of contracts purchase orders to the same provider which are connected in terms of time, location, and services such that a reasonable person would view them as a single contract shall be deemed to be a single contract. The President shall not divide the procurement of commodities or contractual services so as to avoid the monetary cap imposed by this policy. Designations of contracting authority by the President shall be in writing and shall specify the maximum obligation permitted in F.S. 287.017. The President may delegate the authority to sign agreements, contract, and other such documents.

B. Emergency Purchases

Notwithstanding the general limit on the President's authority to enter into contracts involving expenditure of public funds, the President is authorized to approve and execute contracts on behalf of the College involving expenditure of public funds when the President determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the College requires emergency action.

C. Board Approval

Except as expressly provided herein, the Board shall approve and execute all contracts on behalf of the College involving expenditure of public funds in an amount that exceeds F.S. 287.017.

Purchase Order Approval

A. Bids/Exceptions

The President is authorized to issue purchase orders in accordance with bids awarded pursuant to below without further action of the Board so long as the obligation created does not exceed the applicable appropriation within the College budget.

B. Contracts

The approval of a contract in accordance with this policy authorizes the President to approve and issue any purchase order required to fulfill the College's obligation under the approved contract without further action of the Board.

Debarment

The President or Director of Purchasing shall have the authority to debar a person/corporation, for cause, from consideration or award of further contracts. The debarment shall be for a period commensurate with the seriousness of the cause, generally not to exceed three (3) years. If a suspension precedes a debarment, the suspension period shall not be considered in determining the debarment period. When the offense is willful or blatant, a longer term of debarment may be imposed, up to an indefinite period.

A. Cause of Debarment

The term 'debar' or 'debarment' means to remove a vendor from bidding on College work. Causes for debarment include, but are not limited to the following:

1. conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or sub-contract, or in performance of such contract;
2. conviction under State or Federal statutes for embezzlement, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property, or any other offense indicating lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a vendor;
3. conviction under State or Federal anti-trust statutes arising out of submission of bids or proposals
4. violation of contract provisions, including:
 - a. deliberate failure, without good cause, to perform in accordance with specifications or within the time limits provided in the contract(s); and
 - b. a recent record of failure to perform, or of unsatisfactory performance, in accordance with the terms of one (1) or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;
5. refutation of an offer by failure to provide bonds, insurance, or other required certificates within the time period as specified in bid/RFP response;
6. refusal to accept a purchase order, agreement, or contract, or to perform thereon, provided such order was issued timely and in conformance with the offer received;

7. presence of principals or corporate officers in the business of concern who were principals within another business at the time when the other business was suspended within the last three (3) years under the provisions of this section;
8. violation of the ethical standards set forth in State law;
9. providing or offering to provide anything of value, including, but not limited to, a gift, loan, reward, promise of future employment, favor or service to any employee to influence the award of contract or purchase items from a contractor;
10. existence of unresolved disputes between the contractor and the College arising out of or relating to prior contracts between the College and the contractor, work performed by the contractor, or services or products delivered; or
11. any other cause the Director of Purchasing determines to be so serious and compelling as to affect credibility as a College vendor, including debarment by another governmental entity for any cause listed in this policy.

B. Notice of Recommended Decision

The Director of Procurement or designee shall issue a notice letter that advises the party that it is debarred or suspended. The letter shall:

1. state the reason(s) for the action taken; and
2. inform the vendor of its right to petition the President for reconsideration.

C. Right to Request a Hearing/Protest

Any person who is dissatisfied or aggrieved with the notification of the determination to debar or suspend must, within ten (10) calendar days of such notification, appeal such determination to the Board.

Hearing Date

The President shall schedule a hearing at which time the person shall be given the opportunity to demonstrate why the debarment/suspension by the Director of Purchasing should be overturned. All parties shall be given notice of the hearing date.

Prohibited Expenditures

Neither the College nor the College's direct-support organization shall expend any funds, regardless of source, to purchase membership in, or goods and services from, any organization that discriminates on the basis of race, color, national origin, sex, disability gender, or religion. Further, the College and the College's direct-support organization may not expend any "State funds" or "Federal funds" to promote, support, or maintain any "programs or campus activities" as those terms are defined in State Board of Education rule that:

A. violate F.S. 1000.05; or

B. advocate for diversity, equity, and inclusion, or promote or engage in political or social activism, as defined by rules of the State Board of Education.

1. "Diversity, Equity and Inclusion" or "DEI" is any program, campus activity, or policy that classifies individuals on the basis of race, color, sex, national origin, gender identity, or sexual orientation and promotes differential or preferential treatment of individuals on the basis of such classification.
2. Advocating for DEI, which is prohibited, occurs when the College or its direct-support organization engages in a program, policy, or activity that: (a) advantages or disadvantages, or attempts to advantage or disadvantage, an individual or group on the basis of race, color, sex, national origin, gender identity, or sexual orientation, to equalize or increase outcomes, participation, or representation as compared to other individuals or groups; or (b) promotes the position that a group or an individual's action is inherently, unconsciously, or implicitly biased on the basis of race, color, sex, national origin, gender identity, or sexual orientation.
3. "Political or Social Activism" is any activity organized with a purpose of effecting or preventing change to a government policy, action, or function, or any activity intended to achieve a desired result related to social issues (i.e., topics that polarize or divide society among political, ideological, moral, or religious beliefs), where the College endorses or promotes a position in communications, advertisements, programs, or campus activities. Political or social activism does not include authorized government relations and lobbying activities of the institution concerning matters that directly affect the operations of the College or direct-support organizations of the College. Political or social activism does not include endorsement or promotion of a position that encourages compliance with State or Federal law or State Board of Education rule.

Student fees to support student-led organizations are permitted notwithstanding any speech or expressive activity by such organizations which would otherwise violate this policy, provided that the public funds must be allocated to student-led organizations pursuant to written policies or regulations of the College. Use of College facilities by

student-led organizations is also permitted notwithstanding any speech or expressive activity by such organizations which would otherwise violate this policy, provided that such use must be granted to student-led organizations pursuant to written policies or regulations of each the College.

Similarly, this policy does not prohibit programs, campus activities, or functions required for compliance with general or Federal laws or regulations; for obtaining or retaining institutional or discipline-specific accreditation with the approval of the State Board of Education; or for access programs for military veterans, Pell Grant recipients, first generation college students, "2+2" transfer students from an FCS institution or State university, nontraditional students, students from low-income families, or students with unique abilities. Moreover, this policy does not prohibit expenditure of State or Federal funds, so long as the expenditure is for ministerial or administrative activities of a program or campus activity that is not unique to that program or campus activity and that specific program or campus activity is otherwise supported by private funds.

The College's Associate Vice President of Facilities is designated as the official responsible for compliance, oversight, and adherence with the prohibited expenditure provisions of this policy and F.A.C. 6A-14.0718.

Abortion Services

The College shall not expend State funds as defined in F.S. 215.31 in any manner for a person to travel to another state to receive services that are intended to support an abortion as defined in F.S. 390.011, unless:

- A. the College is required by Federal law to expend State funds for such a purpose; or
- B. there is a medical necessity for legitimate emergency medical procedures for termination of the pregnancy to save the pregnant woman's life or to avert a serious risk of imminent substantial and irreversible physical impairment or a major bodily function of the pregnant woman other than a psychological condition.

Background Screening Requirements

The College requires that Level 2 background screening requirements be completed for all contractors and vendors who:

- A. are permitted access on school grounds when minor students are present;
- B. who have direct contact with minor students, even if the performance of the contract is not anticipated to result in direct contact with minor students; or,
- C. who have access to or control of College funds.

Effective 11/1/23

Revised 2/25/25

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Legal

F.S. 112.313

F.S. 112.3148

F.S. 119.0701

F.S. 255.05

F.S. 255.0516

F.S. 255.0518

F.S. 286.31

F.S. 287.017

F.S. 287.056

F.S. 287.057

F.S. 287.084

F.S. 287.087

F.S. 287.132

F.S. 287.133

F.S. 295.187

F.S. 1001.64

F.S. 1001.65

F.S. 1004.06

F.S. 1010.02

F.S. 1010.04

F.S. 1010.07(2)

F.A.C. 6A-14.0718

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FINANCES

po6605 mlm 3/29_ab

CROWDFUNDING

ADOPTED Oct 17, 2023

6605 - CROWDFUNDING

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the College – be it a specific program, College-sponsored or College-sanctioned activity, or department.

For purposes of this policy, “crowdfunding” is defined as the solicitation of funds, supplies, or other resources from individuals and/or organizations to support identified specific activities or projects or programs that enhance the educational program or a specific cause approved by the College. The solicitation Crowdfunding is typically from a large number of individuals/organizations utilizing internet-based technologies.

Crowdfunding activities aimed at raising funds for a specific College program, activity, or department, or to obtain supplemental resources (e.g., supplies or equipment) that are not required as part of the College's educational mission are not may be permitted. An exception to the rule may be granted but only with the specific approval of the President.

, but only with the specific approval of the President.

~~Such approved crowdfunding activities are authorized to use the College name, logo, mascot, or any other name or slogan that would associate an activity with the College. Unauthorized use of College branding is strictly prohibited. (See Policy 9700.01 – Advertising and Commercial Activities).~~

~~All crowdfunding activities shall align with the financial, operational, and platform standards outlined in Board policies. The - (-) - President - (-) - _____ - [END-OF OPTION] - shall be responsible for monitoring compliance with this policy, approving platforms, and reviewing activities for alignment with College goals. If a crowdfunding activity is found to be in non-compliance with any appropriate Board policy, it will result in the immediate cessation of the crowdfunding activity and the - (-) - Board - (-) - President - [END-OF OPTION] - may prohibit future fundraising privileges.~~

All approved crowdfunding activities shall protect the privacy of students in accordance with Board policies, administrative procedures, and applicable State and Federal law, including FERPA.

All funds raised through approved crowdfunding activities shall be disbursed in accordance applicable Board policies.

Approved crowdfunding activities must be conducted through a College-approved platform that meets the following standards:

- A. Systems and Organizational Controls (SOC 2) Type I Certification or equivalent standard recognized as best practice in the industry. (minimum):

The platform must demonstrate compliance with SOC 2 or equivalent standards, ensuring strong controls for security, availability, processing integrity, confidentiality, and privacy. Compliance with this standard guarantees that the platform adheres to industry-recognized best practices for safeguarding sensitive data and financial transactions.

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- B. Low Fees: Platforms must not exceed a fifteen percent (15%) fee structure to ensure that the funds raised benefit the College maximally and minimize donor loss.

Materials, supplies, equipment, and other proceeds of the crowdfunding activity shall become the property of the College. Cash Direct cash payments or equivalent payment to College personnel is prohibited () if they exceed \$25.00 . All fiscal transactions shall comply with appropriate Board policies.

Effective 11/1/23

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PROPERTY

po7442 mlm 3/19/26; mlm 3/29_ab

EMERGENCY OPIOID ANTAGONISTS IN COLLEGE HOUSING

ADOPTED Feb 25, 2025

7442 - EMERGENCY OPIOID ANTAGONISTS IN COLLEGE HOUSING

The District Board of Trustees (Board) has determined that it is in the best interests of its students and employees to have opioid antagonists available to be administered, if necessary, by appropriately trained personnel. Therefore, the Board adopts this policy to govern the handling and administration of opioid antagonists consistent with Florida law and State Board of Education rules.

Opioids, while highly effective pain relievers, are also highly addictive and an overabundance of opioids in the body can lead to a fatal overdose. Opioid antagonists are used to treat opioid overdoses to counteract the life-threatening depression of the central nervous system and respiratory system that results from an opioid overdose.

The College is encouraged to seek public and private partnerships to cover the cost associated with the purchase and placement of emergency opioid antagonists in College residence halls and dormitory residences.

Definitions

“Administer” or “administration” means to introduce an emergency opioid antagonist into the body of a person. Any administration should be accomplished by campus or other law enforcement officers who are trained in the administration of emergency opioid antagonists.

“Emergency opioid antagonist” means naloxone hydrochloride or any similarly acting a drug that blocks the effects of opioids administered from outside the body and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

Availability and Administration

The College must have a supply of emergency opioid antagonists with an autoinjection or intranasal application delivery system located within each residence hall or dormitory residence owned or operated by the College. for the administration of emergency opioid

antagonists to a person believed to be experiencing an opioid overdose . The emergency opioid antagonists must be placed in a clearly marked location within each residence hall or dormitory residence and be easily accessible to campus or other law enforcement officers who are trained in the administration of emergency opioid antagonists.

Public and private partnerships are encouraged to cover the cost associated with the purchase and placement of such emergency opioid antagonists. The College may not charge students a fee for receiving such emergency opioid antagonists supplied by funding from the Opioid Settlement Trust Fund.

It shall be the responsibility of the Chief of Campus Security to verify that the supply of opioid antagonists is maintained at the appropriate level and they have not expired. The Chief of Campus Security shall also be responsible for coordinating the training of those qualified to administer emergency opioid antagonists in College residence halls and dormitory residences.

Liability

Notwithstanding any other provision of law to the contrary, any campus or other law enforcement officer trained in the administration of emergency opioid antagonists who administers or attempts to administer an emergency opioid antagonist in compliance with F.S. 381.887, 768.13, and F.A.C. 6A-14.0810 are immune from civil or criminal liability as a result of such administration or attempted administration of an emergency opioid antagonist.

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Legal

F.S. 1004.0971

F.A.C. Rule 6A-14.0810

OPERATIONS

po8420 mlm 3/29

EQUAL ACCESS/EQUAL OPPORTUNITY, DISCRIMINATION, SEXUAL MISCONDUCT, AND UNLAWFUL HARASSMENT

ADOPTED Oct 17, 2023

Add reference to Op. Att'y Gen. Fla. 2026-02
(<https://www.myfloridalegal.com/node/28132>)

8420 - **EQUAL ACCESS/EQUAL OPPORTUNITY, DISCRIMINATION, SEXUAL MISCONDUCT, AND UNLAWFUL HARASSMENT**

The purpose of this policy is to provide direction for the review, investigation and resolution of discrimination, sexual misconduct (excluding Title IX Sexual Harassment), and unlawful harassment complaints related to applicants, faculty/staff, students, vendors, or guests of the College.

The College does not discriminate against any person on the basis of age, color, disability, ethnicity, gender identity, genetic information, marital status, national origin, pregnancy, race, religion, sex, sexual orientation, veteran status, or any other protected characteristic in its programs and activities, including employment opportunities. As an institution of higher education, the College reaffirms its policies of equal opportunity and open admissions, and is committed to maintaining and promoting nondiscrimination in all aspects of its programs and activities. The College has an Equity Plan to ensure equal access/ equal opportunity to all individuals and has designated a College Equity Officer/Title IX Coordinator to ensure compliance with applicable College Policy, State, and Federal laws.

The College does not, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, subject individuals to training, instruction, or any other required activity that is prohibited under F.S. 760.10 and F.S.1000.05. Prohibited discrimination also occurs when any student or employee is subjected to training or instruction that is unlawful under F.S. 1000.05.

[.] The College does not use race, ethnicity, or any proxy for race in admissions or other decisions and is committed to full compliance with Federal and State nondiscrimination laws and reporting requirements. [END OF OPTION]

The College will broadly publish and circulate its policy of equal access/equal opportunity by including the policy in correspondence, media communication, and printed material. The College will engage the services of only those professional organizations, employment agencies, contracts, or other agents whose policies are in alignment with the equal opportunity policy of the College.

General Provisions

- A. It shall be a violation of this policy for a faculty/staff, students, or vendors of the College to discriminate against, participate in sexual misconduct, or harass another faculty/staff, student, vendor, or guest.
- B. The College will use a preponderance of evidence standard for resolving any conflicts in the evidence and deciding the facts of the complaint.
- C. The College will not tolerate retaliation against students, employees, or witnesses for filing complaints or protesting practices which are prohibited under this policy.
- D. The College Equity Officer/Title IX Coordinator for the College is the College's primary internal authority for matters related to this policy; with the responsibility to ensure equal access and equal opportunities for applicants, faculty/staff, students, vendors, or guests of the College.
- E. Terms and conditions of employment based on a bona fide occupational requirement or distinction (i.e. gender-specific restrooms, athletic activities, or other areas) is not a violation of this policy.
- F. Discrimination, sexual misconduct, and unlawful harassment on the part of vendors toward any member of the College community will not be tolerated. Vendors will be required to promptly investigate claims of discrimination, sexual misconduct, or harassment reported against their employees or subcontractors.
- G. All complaints of discrimination, sexual misconduct, and unlawful harassment will be kept confidential to the extent allowed by law.
- H. The College's Public Safety office is responsible for ensuring compliance with the Clery Act.

Definitions

Complainant – is an individual who is alleged to be the victim of conduct that could constitute a violation of College policy.

Determination – is the conclusion of a dispute by the rendering of a final decision.

Discrimination - is defined as treating any member of the College community differently than others on the basis of age, color, disability, ethnicity, gender identity, genetic information, marital status, national origin, pregnancy, race, religion, sex, sexual orientation, veteran status or other legally protected classifications. Conduct which falls under the definition of discrimination and which is prohibited by this policy includes, but is not limited to:

- A. disparate treatment in employment, job placement, promotions, demotions, salaries or wages, benefits, or other terms and conditions of employment, on the basis of one of the protected categories outlined above, or
- B. limiting a person's access to educational, athletic, social, cultural, or other activities of the College on the basis of one of the protected categories outlined above.

Formal Complaint – is a document filed by an identified complainant or signed by the Equity Officer/Title IX Coordinator alleging discrimination, sexual misconduct, or unlawful harassment against a respondent and requesting that the College investigate the allegations.

Preponderance of Evidence Standard – is an evidence standard which means concluding that a fact is more likely than not to be true.

Respondent – is an individual who has been reported to be the perpetrator of conduct that could constitute a violation of College policy.

Retaliation - is any adverse action taken against the person(s) who makes, supports, or participates in a complaint of discrimination, sexual misconduct, or unlawful harassment.

Sexual Misconduct – includes, but is not limited to, sexual violence, (which includes any kind of nonconsensual sexual contact), sexual harassment, sexual exploitation, or any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing.

- A. Sexual Violence - is sexual offenses as outlined in the Uniform Crime Reporting Handbook, and defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- B. Sexual Harassment - is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or communication of a sexual nature when:
 - 1. submission to or rejection of such conduct is used explicitly or implicitly as a basis for any decision affecting terms or conditions of an individual's

employment, academic status, participation in any program or activity, or receipt of College services; or

2. such conduct has the purpose or effect of interfering with an individual's work performance or academic experience by creating an intimidating, hostile, or offensive environment for work or learning.

Sexual harassment can occur between any persons including faculty/staff, students, vendors, or guests.

- C. Sexual Exploitation - is defined as taking non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the sexual misconduct offenses.

Supportive Measures – are individualized services offered to the complainant or respondent, as appropriate, that are reasonably available and without fee or charge. These services are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter discrimination, sexual misconduct, and unlawful harassment.

Title IX Sexual Harassment

"Sexual Harassment" means conduct on the basis of sex that satisfies one (1) or more of the following:

- A. A Board 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);
- B. 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
- C. "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).

Unlawful Harassment - is defined as conduct that is a) unwelcome and b) unreasonably interferes with an individual's ability to learn or work due to the creation of an intimidating, hostile, or offensive environment.

Reporting

The College strongly encourages ALL persons to promptly report any occurrence of discrimination, sexual misconduct, or unlawful harassment. The registering of a complaint will not be used or held against the complainant, nor will it have an adverse impact on the complainant's educational or employment status.

- A. Complaints of discrimination, sexual misconduct, or unlawful harassment involving applicants, faculty/staff, students, vendors, or guests should be filed within 180 days from the date of the incident directly with the College's Equity Officer/Title IX Coordinator at:

Adriene Jefferson
Equity Officer/Title IX Coordinator
(772)462-7156
ajeffers@irsc.edu
Indian River State College
3209 Virginia Avenue
Fort Pierce, FL 34981-5596

- B. Any College personnel, student, vendor, or guest who becomes aware of alleged conduct of discrimination, sexual misconduct, or unlawful harassment must report this information immediately to the College's Equity Officer/Title IX Coordinator.
- C. The College will offer supportive measures to both the complainant and respondent as appropriate; designed to ensure equal employment opportunities, equal educational access, protect safety, or deter harassment.
- D. Submission of a written complaint (Formal Complaint) is required for the College to investigate allegations of discrimination, sexual misconduct, and unlawful harassment. A Formal Complaint can be filed by a Complainant or signed by the Equity Officer/Title IX Coordinator. The Complainant's wishes with respect to whether the College investigates will be respected unless the Equity Officer/Title IX Coordinator determines that the College should initiate a Formal Complaint and investigation over the wishes of the complainant in light of known circumstances.
- E. Upon receipt of a Formal Complaint, a review of the allegations will be made to determine if the complaint meets the requirements of this policy, or if other policy violations may be indicated and other policies should be followed.
- F. Once determined to be discrimination, sexual misconduct (excluding Title IX Sexual Harassment), or unlawful harassment, the College will send written notice to both parties (complainant and respondent) of the allegations. The College may consolidate Formal Complaints where the allegations arise out of the same facts, and will not investigate a new complaint if it has already adjudicated a Formal Complaint based on the same circumstances.

- G. All complaints of discrimination, sexual misconduct, or unlawful harassment will be logged in the College Equity and Civil Rights Complaint Log. The log will include the complaint number, the Complainant's name, person whom the complaint is filed against, incident date(s), brief summary, and the determination/resolution. The Equity Officer/Title IX Coordinator is the official custodian of the log.

Investigating

- A. For complaints subject to this Policy, the Equity Officer/Title IX Coordinator will coordinate with the College's Police Chief, the Dean of Student Services, the Human Resources Director or designee, and/or other personnel as appropriate to facilitate a prompt, impartial, and confidential investigation.
- B. For complaints that meet the definition of sexual harassment under Title IX, the College will use its procedure set forth in College Policy 8422.
- C. The Equity Officer/Title IX Coordinator will assign one of the College's trained investigators as the College's Investigating Official of record for the complaint. The College's Investigating Official will follow state and federal guidelines, College Policy, Administrative Procedures, and the Student Code of Conduct, as appropriate, in reviewing the complaint.
- D. Complainants have ten (10) work days to provide additional information if their initial complaint does not contain sufficient information for a thorough review.
- E. Complaints must be filed within 180 calendar days of an alleged discriminatory or retaliatory act.
- F. Investigations will be completed within sixty (60) calendar days from the date the complaint was filed, unless otherwise agreed upon by the parties or upon extenuating circumstances.
- G. Complaints can be withdrawn by Complainant; however, the College reserves the discretionary right to continue with its investigation.
- H. Anonymous complaints are accepted as long as they contain sufficient information to facilitate a thorough review of the allegations.
- I. At the conclusion of the investigation, the Investigating Official will send the investigative report, including proposed resolution, to the College Equity Officer/Title IX Coordinator for review and determination.
- J. Upon filing a complaint of discrimination, harassment, or retaliation with an external, governmental agency, the internal complaint may be referred to the College's Counsel for review, defense, or, if deemed appropriate, mediation,

conciliation, or settlement with the external agency, or such other actions as may be in the interests of the College, including the termination of the internal process.

Resolution

- A. The College will take steps to prevent the recurrence of any discrimination or harassment found to have occurred upon an investigation, and to correct its discriminatory effects on the complainant and others, if appropriate.
- B. Once the complaint determination is made by the Equity Officer/Title IX Coordinator, written notification will be provided to both the complainant and respondent, informing them of the outcome of the investigation and the subsequent appeals process.
- C. If the decision regarding an employee or student complaint is not satisfactory to the complainant or respondent, it may be appealed to the Equity Appeals Committee (Appeals Committee) only on the grounds of procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or investigators or decision-makers had a conflict of interest or bias that affected the outcome of the matter. The Complainant or respondent must file a written appeal to the Equity Office within seven (7) calendar days after receipt of a written determination of responsibility or notification of dismissal. The appeal must include all salient facts.
- D. The Appeals Committee will be a five (5) member committee, consisting of the Human Resources Director, Chief of Police, Associate Vice President of Academic Affairs, Director of Communications, and the Student Services Conduct Officer. If the Director of Human Resources is involved in the case, such that it would deem them unable to participate in the appeal process, the Assistant Vice President of Administrative Services will replace the Director of Human Resources on the Appeals Committee. If the Student Services Conduct Officer is involved in the case, such that it would deem them unable to participate in the appeal process, the Dean of Student Services will replace the Conduct Officer on the Appeals Committee.
- E. The Appeals Committee will review the complaint based on any documents submitted into evidence. The Appeals Committee will issue a final appellant decision to the parties within fourteen (14) calendar days of receiving the appeal. The decision of the Appeals Committee will be final and binding.

Retaliation

- A. Retaliatory acts include adverse actions taken against the person who makes, supports, or participates in a complaint of discrimination, sexual misconduct, or harassment.

B. Students and/or employees who believe that retaliatory actions have been taken against them for having filed a complaint of discrimination, sexual misconduct, or harassment, or having provided testimony in an investigation should notify the College's Equity Officer/Title IX Coordinator. Any such reports will be investigated and findings of retaliatory conduct will be dealt with through appropriate action.

Confidentiality

- A. All information regarding discrimination, harassment, retaliation, and sexual misconduct will remain confidential to the extent possible to provide for an effective investigation, and as allowed by law.
- B. Only those individuals necessary for the investigation and resolution of the complaint shall be involved. All parties to the complaint, including witnesses, should treat the matter under investigation with discretion and have respect for the reputation of everyone involved.
- C. Written records developed through the use of this internal complaint process are confidential in accordance with State law until a final determination is made.

False Complaints

Any person who knowingly files a false complaint of discrimination, harassment, retaliation, or sexual misconduct against another will be in violation of this policy and subject to corrective and/or disciplinary action.

Effective 11/1/23

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Legal

F.S. 110.1221
F.S. 784.049
F.S. 1000.05
F.S. 1001.64
F.S. 1001.65
20 U.S.C. 1681 et seq.
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 794, Rehabilitation Act of 1973
42 U.S.C. 1983
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 6101, The Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

OPERATIONS

po8422 mlm 3/19/26; 3/29

NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES

ADOPTED Oct 17, 2023

8422 – NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES

Introduction

The District Board of Trustees (Board) does not discriminate on the basis of sex ~~(including sexual orientation or gender identity)~~ in its education programs or activities and 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 admissions and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the College 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.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. College employees, students, third-party vendors and contractors, guests, and other members of the College community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the College's education programs and activities.

Coverage

This policy applies to Sexual Harassment that occurs within the College's education programs and activities and that is committed by a member of the College community or a Third Party.

This policy does not apply to Sexual Harassment that occurs off College grounds, in a private setting, and outside the scope of the College's education programs and activities; such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative procedures, applicable State and/or Federal laws and/or Employee/Administrator Handbook(s) or applicable Collective Bargaining Agreement if committed by a College employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the College's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies and administrative procedures, applicable State and/or Federal laws, and/or Employee/Administrator Handbook(s) or applicable Collective Bargaining Agreement if committed by a College employee.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Sexual Harassment: "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. 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);
- B. 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
- C. "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 assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, criminal sexual contact (f.k.a. fondling), incest, and statutory rape.

- 1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. ~~Fondling~~ *Criminal Sexual Contact (f.k.a. fondling)* is the intentional touching of the private clothed or unclothed body parts, without consent, of another person the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation ~~without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity~~ or the forced touching by the victim of the other individual's clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
5. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
6. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
7. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
8. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

D. "Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape .

E. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:

1. a current or former spouse or intimate partner of the victim;
2. a person with whom the victim shares a child in common;
3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
5. 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 in which the crime occurred.

F. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

G. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

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 the College investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the College, a Complainant must be participating in or attempting to participate in the College's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) 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 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” occurs when an institutional official, with authority to take corrective action, observes, or receives a report of, sexual harassment occurring in the institution’s education programs or activities.~~ “Actual knowledge” means notice of Sexual Harassment or allegations of Sexual Harassment to the College’s Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the College. 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 the authority to institute corrective measures on behalf of the College. “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 College official with actual knowledge is the Respondent.

Supportive Measures: “Supportive measures” means 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 College’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’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, College/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), referral to Employee Assistance Program, and other similar measures.

Education Program or Activity: “Education program or activity” refers to all operations of the College, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on College grounds or on other property owned or occupied by the Board. It also includes locations, events, and circumstances that take place off-College property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

College community: “College community” refers to students and College employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties: “Third Parties” include, but are not limited to, guests and/or visitors on College property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the Board, and other individuals who come in contact with members of the College community at College-related events/activities (whether on or off College property).

Inculpatory Evidence: “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged Sexual Harassment.

Exculpatory Evidence: “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Title IX Coordinator(s)

The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Adriene Jefferson
Title IX Coordinator
(772)462-7101
3209 Virginia Avenue
Fort Pierce, FL 34981
ajeffers@irsc.edu

The Title IX Coordinator shall report directly to the President except when the President is a Respondent. In such matters, the Title IX Coordinator shall report directly to the General Counsel. Questions about this policy should be directed to the Title IX Coordinator.

The President shall provide applicants for admission and employment, students, College employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board with the notice of nondiscrimination.

The College does not discriminate on the basis of sex in its education program or activity, and is required by Title IX 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. The College’s Title IX Coordinator(s) is/are:

Adriene Jefferson
Title IX Coordinator
(772)462-7101

3209 Virginia Avenue
Fort Pierce, FL 34981
ajeffers@irsc.edu

Any inquiries about the application of Title IX and its implementing regulations to the College may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance processes, as applicable, are included in Policy 8422 – *Nondiscrimination on the Basis of Sex in Education Programs or Activities* and Policy 8423 – *Nondiscrimination on the Basis of Sex in Dual Enrollment Education Programs or Activities*, which is available at: <https://irsc.edu/about/equity-and-diversity.html>. The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the College will respond.

The President shall also prominently display the Title IX Coordinator's(s') contact information – including name(s) and/or title(s), phone number(s), office address(es), and e-mail address(es) – and this policy on the College's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, College employees, and all unions or professional organizations holding collective bargaining or professional agreements.

Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The College's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the College's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive

measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

Report of Sexual Discrimination/Harassment

Any person may report sex discrimination, 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 oral or written report. Reports 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). Anonymous reports may be submitted using the reporting form posted at? <https://irsc.edu/about/equity-and-diversity.html>

Students, Board members, and College employees are required, and other members of the College community, and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any College 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 should, 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).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the President, or another College employee who, in turn, will notify the President of the report. The President will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with various vendors, contractors, and other third-parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or third-party's access to College grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person 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.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies and/or administrative

procedures, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

A College employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must immediately notify the/a Title IX Coordinator of learning the information or receiving the report. The College employee must also comply with mandatory reporting responsibilities regarding suspected abuse, abandonment, or neglect of a child pursuant to F.S. 39.201, if applicable. If the College employee's knowledge is based on another individual bringing the information to the College employee's attention and the reporting individual submitted a written complaint to the College employee, the College employee must provide the written complaint to the Title IX Coordinator.

If a College employee fails to report an incident of Sexual Harassment of which the College employee is aware, the College employee may be subject to disciplinary action, up to and including termination.

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 the College to provide the supportive measures.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the College may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the College determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal.

If the Respondent is a non-student employee, the College may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the College community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its College grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

Formal Complaint of Sexual Harassment

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the President, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the College will follow its Grievance Process, as set forth herein. Specifically, the College will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Timeline

The College will seek to conclude the grievance process within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or an accommodation of disabilities. The Title IX Coordinator will provide the parties with reasonable updates on the status of the 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:

- A. Notice of the Board's grievance process, including any informal resolution processes;

B. 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:

1. 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;
2. 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.
3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

The College shall investigate the allegations in a Formal Complaint, *unless* the conduct alleged in the Formal Complaint:

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the College's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances ~~exist~~ exists, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the College may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation or hearing: -

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the College or employed by the Board; or
- C. specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment 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 Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;

B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and

C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur have stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a College employee or another adult member of the College community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the College, not the parties.

In making the determination of responsibility, the decision-maker(s) is(are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The College is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the College with voluntary, written consent to do so.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information

protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The College may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The College will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of three (3) days' notice with respect to investigative interviews and other meetings.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the investigator and/or the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The College will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to a hearing or the decision-maker(s) issuing a determination regarding responsibility.

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and prior to the decision-maker(s) issuing a determination of responsibility, the decision-maker(s) will conduct a hearing.

The hearing will proceed as follows:

At the 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. Such cross-examination at the hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally; notwithstanding anything to the contrary in this policy, the decision-maker shall not restrict the extent to which advisors may participate in the hearing.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party does not have an advisor present at the hearing, the College will provide, without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the hearing, the decision-maker(s) may still 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 hearing or refusal to answer cross-examination or other questions.

Hearings may be conducted with all parties physically present in the same geographic location or, at the discretion of the decision-maker(s), any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the decision-maker shall provide for the hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or witness answering questions. The College will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review.

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. Identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. 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, [and] methods used to gather other evidence, and hearings held;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the College impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the College's education program or activity should be provided by the College to the Complainant(s); and
- F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

The following disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

A. Informal Discipline

- 1. writing assignments;

2. changing of seating or location.

B. Formal Discipline

1. removal from co-curricular and/or extra-curricular activity(ies), including athletics;

2. emergency removal;

3. suspension;

4. expulsion and/or dismissal;

5. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the President of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies). Discipline of a student Respondent must comply with the applicable provisions of Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

The following disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

A. oral or written warning;

B. written reprimands;

C. performance improvement plan;

D. required counseling;

E. required training or education;

F. demotion;

G. suspension with pay;

H. suspension without pay;

- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the President of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the College community or Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. suspension or termination/cancellation of the Board's contract with the third-party vendor or contractor;
- C. mandatory monitoring of the third-party while on College property and/or while working/interacting with students;
- D. restriction/prohibition on the third-party's ability to be on College property; and
- E. any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the President of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the President (or the Board when the appointed President is the Respondent) will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances. If the Respondent is an elected President or Member of the Board, the Board shall notify the appropriate Florida governmental authority(ies).

The College's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the President (or the Title IX Coordinator if the President is the Respondent) may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the President (or the Board when the appointed President is the Respondent) from implementing appropriate remedies; however, excluding disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the

investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

Specifically, the appealing party must submit with the notice of appeal a written statement challenging the determination of responsibility. The nonappealing party shall have up to five (5) days after receipt of the appealing party's written statement to submit his/her written statement in support of the determination of responsibility.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-makers(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation and/or hearing, is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The College 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 Family Educational Rights and Privacy Act ('FERPA'), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, F.S. 1006.52, 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., the College's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution and the principles of academic freedom as set forth in the applicable collective bargaining agreement.

Training

The College's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of the College's education program or activity;
- C. how to conduct an investigation and implement the grievance process that includes hearings, appeals and informal resolution processes, as applicable; and

- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All College employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment.

Recordkeeping

As part of its response to alleged violations of this policy, the College shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the College shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity. If the College does not provide a Complainant with supportive measures, then the College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.

The College shall maintain for a period of seven (7) calendar years the following records:

- A. each Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript that is made of any 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 the College's education program or activity
- B. any appeal and the result therefrom
- C. any informal resolution and the result therefrom, and
- D. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The College will make its training materials publicly available on its website.

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not College employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The President may delegate functions assigned to a specific College employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be rescinded by the President at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

Effective 11/1/23

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Legal

20 U.S.C. 1092(f)(6)(A)(v)

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)

34 U.S.C. 12291(a)(30)

34 U.S.C. 12291(a)(8)

34 U.S.C. 12291(a)(10)

42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 1983

34 C.F.R. Part 106

F.S. 1000.05

F.S. 1001.64

F.S. 1001.65

Dear Colleague Letter on Sexual Violence (Office for Civil Rights, 2011)
OCR s Revised Sexual Harassment Guidance (2001)

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OPERATIONS

po8423 mlm 3/19/26

NONDISCRIMINATION ON THE BASIS OF SEX IN DUAL ENROLLMENT EDUCATION PROGRAMS AND ACTIVITIES

ADOPTED Oct 17, 2023

8423 – NONDISCRIMINATION ON THE BASIS OF SEX IN DUAL ENROLLMENT EDUCATION PROGRAMS AND ACTIVITIES

Introduction

The District Board of Trustees (Board) does not discriminate on the basis of sex (including sexual orientation or gender identity), in its Dual Enrollment education programs or activities, and 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. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its Dual Enrollment education programs and activities. When the College 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.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. College employees, students, third-party vendors and contractors, guests, and other members of the College community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the College's education programs and activities.

This Policy applies to Dual Enrollment students only. For purposes of this Policy, 'Dual Enrollment' means students enrolled in the College or taking College courses as permitted under F.S. Chapter 1007. For all other College students, refer to Policy 8422.

Coverage

This policy applies to Sexual Harassment that occurs within the College's Dual Enrollment education programs and activities and that is committed by a member of the College community or a Third Party.

This policy does not apply to Sexual Harassment that occurs off College grounds, in a private setting, and outside the scope of the College's education programs and activities; such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative procedures, applicable State and/or Federal laws and/or Employee/Administrator Handbook(s) or applicable Collective Bargaining Agreement if committed by a College employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the College's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies and administrative procedures, applicable State and/or Federal laws, and/or Employee/Administrator Handbook(s) or applicable Collective Bargaining Agreement if committed by a College employee.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Sexual Harassment: "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. 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);
- B. 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
- C. "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 assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. *Fondling* is the intentional touching of the private clothed and unclothed body parts, without consent, of another person the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity or the forced touching by the victim of the other individual's clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation .
5. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
6. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
7. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.

8. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:

1. a current or former spouse or intimate partner of the victim;
2. a person with whom the victim shares a child in common;
3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
5. 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 in which the crime occurred.

E. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

F. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

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 the College investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the College, a Complainant must be participating in or attempting to participate in the College's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) 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 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 the College's Title IX Coordinator, or any College official who has authority to institute corrective measures on behalf of the Board, or any College employee. 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 the authority to institute corrective measures on behalf of the College. "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 College official with actual knowledge is the Respondent.

Supportive Measures: "Supportive measures" means 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 College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College'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, College/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), referral to Employee Assistance Program, and other similar measures.

Education Program or Activity: "Education program or activity" refers to all operations of the College, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on College grounds or on other property owned or occupied by the Board. It also includes locations, events, and circumstances that take place off-College property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

College community: "College community" refers to students and College employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties: “Third Parties” include, but are not limited to, guests and/or visitors on College property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the Board, and other individuals who come in contact with members of the College community at College-related events/activities (whether on or off College property).

Inculpatory Evidence: “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged Sexual Harassment.

Exculpatory Evidence: “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays),

Eligible Student: “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

Title IX Coordinator(s)

The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Adriene Jefferson
Title IX Coordinator
(772)462-7101
3209 Virginia Avenue
Fort Pierce, FL 34981
ajeffers@irsc.edu

The Title IX Coordinator shall report directly to the President except when the President is a Respondent. In such matters, the Title IX Coordinator shall report directly to the General Counsel. Questions about this policy should be directed to the Title IX Coordinator.

The President shall provide applicants for admission and employment, students, parents or legal guardians of elementary and secondary College students, College employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board with the notice of non-discrimination:

The College does not discriminate on the basis of sex in its education program or activity, and is required by Title IX 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. The College’s Title IX Coordinator(s) is/are:

Adriene Jefferson
Title IX Coordinator
(772)462-7101
3209 Virginia Avenue
Fort Pierce, FL 34981
ajeffers@irsc.edu

Any inquiries about the application of Title IX and its implementing regulations to the College may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 8422 – *Nondiscrimination on the Basis of Sex in Education Programs or Activities*, which is available at: <https://irsc.edu/about/equity-and-diversity.html>. The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the College will respond.

The President shall also prominently display the Title IX Coordinator's(s') contact information – including name(s) and/or title(s), phone number(s), office address(es), and e-mail address(es) – and this policy on the College's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary College students, College employees, and all unions or professional organizations holding collective bargaining or professional agreements.

Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The College's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to

restore or preserve equal access to the College's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

Report of Sexual Discrimination/Harassment

Any person may report sex discrimination, 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 oral or written report. Reports 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). Anonymous reports may be submitted using the reporting form posted at <https://irsc.edu/about/equity-and-diversity.html>.

Students, Board members, and College employees are required, and other members of the College community, and Third Parties) are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any College 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 should, 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).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the President, or another College employee who, in turn, will notify the President of the report. The President will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with various vendors, contractors, and other third-parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or third-party's access to College grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person 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.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies and/or administrative procedures, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

A College employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must immediately notify the/a Title IX Coordinator of learning the information or receiving the report. The College employee must also comply with mandatory reporting responsibilities regarding suspected abuse, abandonment, or neglect of a child pursuant to F.S. 39.201, if applicable. If the College employee's knowledge is based on another individual bringing the information to the College employee's attention and the reporting individual submitted a written complaint to the College employee, the College employee must provide the written complaint to the Title IX Coordinator.

If a College employee fails to report an incident of Sexual Harassment of which the College employee is aware, the College employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) 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 the College to provide the supportive measures.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the College may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the College determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal.

If the Respondent is a non-student employee, the College may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the College community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its College grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

Formal Complaint of Sexual Harassment

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the President, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the College will follow its Grievance Process, as set forth herein. Specifically, the College will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person’s status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Timeline

The College will seek to conclude the grievance process within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or an accommodation of disabilities. The Title IX Coordinator will provide the parties with reasonable updates on the status of the 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:

- A. Notice of the Board's grievance process, including any informal resolution processes;
- B. 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:
 1. 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;
 2. 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.
 3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

The College shall investigate the allegations in a Formal Complaint, *unless* the conduct alleged in the Formal Complaint:

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the College's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the College may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation.

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the College or employed by the Board; or
- C. specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment 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 Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and

adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur have stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a College employee or another adult member of the College community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the College, not the parties.

In making the determination of responsibility, the decision-maker(s) is(are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The College is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or

paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the College with voluntary, written consent to do so; if a student party is not an Eligible Student, the College must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The College may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The College will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of three (3) days' notice with respect to investigative interviews and other meetings.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the investigator and/or the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The College will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to a hearing or the decision-maker(s) issuing a determination regarding responsibility.

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and prior to the decision-maker(s) issuing a determination of responsibility, the decision-maker(s) will conduct a hearing.

The hearing will proceed as follows:

At the 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. Such cross-examination at the hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally; notwithstanding anything to the contrary in this policy, the decision-maker shall not restrict the extent to which advisors may participate in the hearing.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party does not have an advisor present at the hearing, the College will provide, without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the hearing, the decision-maker(s) may still 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 hearing or refusal to answer cross-examination or other questions.

Hearings may be conducted with all parties physically present in the same geographic location or, at the discretion of the decision-maker(s) any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the decision-maker shall provide for the hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or witness answering questions. The College will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review.

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. Identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. 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, [and] methods used to gather other evidence, and hearings held;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the College impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the College's education program or activity should be provided by the College to the Complainant(s); and
- F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

The following disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

A. Informal Discipline

1. writing assignments;
2. changing of seating or location.

B. Formal Discipline

1. emergency removal;
2. expulsion/dismissal from the Dual Enrollment program;
3. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the President of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies). Discipline of a student Respondent must comply with the applicable provisions of Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

The following disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;

H. suspension without pay;

I. termination, and any other sanction authorized by any applicable
Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the President of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the College community or Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

A. oral or written warning;

B. suspension or termination/cancellation of the Board's contract with the third-party vendor or contractor;

C. mandatory monitoring of the third-party while on College property and/or while working/interacting with students;

D. restriction/prohibition on the third-party's ability to be on College property; and

E. any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the President of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the President (or the Board when the appointed President is the Respondent) will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances. If the Respondent is an elected President or Member of the Board, the Board shall notify the appropriate Florida governmental authority(ies).

The College's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the President (or the Title IX Coordinator if the President is the Respondent) may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the President (or the Board when the appointed President is the Respondent) from implementing appropriate remedies; however, excluding disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

Specifically, the appealing party must submit with the notice of appeal a written statement challenging the determination of responsibility. The nonappealing party shall have up to five (5) days after receipt of the appealing party's written statement to submit his/her written statement in support of the determination of responsibility.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-makers(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation and/or hearing, is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The College 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 Family Educational Rights and Privacy Act ('FERPA'), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, F.S. 1002.22-1002.222 or F.S. 1006.52 (as applicable), 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., the College's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

Training

The College's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of the College's education program or activity;
- C. how to conduct an investigation and implement the grievance process that includes hearings, appeals and informal resolution processes, as applicable; and

- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All College employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment.

Recordkeeping

As part of its response to alleged violations of this policy, the College shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the College shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity. If the College does not provide a Complainant with supportive measures, then the College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.

The College shall maintain for a period of seven (7) calendar years the following records:

- A. each Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript that is made of any 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 the College's education program or activity
- B. any appeal and the result therefrom
- C. any informal resolution and the result therefrom, and
- D. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The College will make its training materials publicly available on its website.

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not College employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The President may delegate functions assigned to a specific College employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be rescinded by the President at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

Effective 11/1/23

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20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)

42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 1983

34 C.F.R. Part 106

Dear Colleague Letter on Sexual Violence (Office for Civil Rights, 2011)

F.S. 1000.05

OCR's Revised Sexual Harassment Guidance (2001)

OPERATIONS

po8470 mlm 3/19/26

SAFETY AND CRIME PREVENTION

ADOPTED Oct 17, 2023

Add legal reference 20 U.S.C. Section 1902, The Jeanne Clery Campus Safety Act

8470 - SAFETY AND CRIME PREVENTION

Safety and Crime Prevention

The District Board of Trustees (Board) is committed to maintaining a safe, secure, and healthy environment for all students, staff, and visitors. The Board will maintain an open campus philosophy while providing safety and security for all individuals on College property.

The President is authorized to establish an advisory body regarding safety and security. Said advisory body may recommend to the President procedural matters that affect the administration of safety and security programs at the College.

Annual Security Report

As required by Federal law, and by October 1 of each year, the College shall annually prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, its Annual Security Report containing the information required under 20 U.S.C. Section 1092. (See also Policy 8422 - *Nondiscrimination on the Basis of Sex in Education Programs and Activities* and Policy 8423 - *Nondiscrimination on the Basis of Sex in Dual Enrollment Education Programs and Activities*).

Training

The President will work with College personnel to make available to students and staff training related to health, safety, and crime prevention.

Effective 11/1/23

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F.S. 1001.64

F.S. 1001.65

ANTI-FRAUD AND WHISTLEBLOWER PROTECTION

ADOPTED Oct 17, 2023

8900 - **ANTI-FRAUD AND WHISTLEBLOWER PROTECTION**

This policy is implemented to make employees aware of activities that may be fraudulent, illegal, or otherwise unethical. The College will not tolerate such activities, and disciplinary measures will be implemented as appropriate.

Scope

This policy applies to any fraud, or suspected fraud, involving elected officials, employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties with a business relationship with the College.

Policy

Fraud and fraudulent activity are strictly prohibited. The obligation to report fraud includes instances when the employee knew or should have known that an incident of fraud had occurred. All administrators shall be vigilant for any conduct that appears to constitute fraud or fraudulent activity within the scope of their responsibility.

Each employee or agent of the College shall be responsible for reporting any observed or suspected fraud or fraudulent activity. If the observed or suspected fraud or fraudulent activity involves a District Board of Trustees (Board) member or the President, the report should be made to the Board Attorney or the State of Florida's Chief Inspector General. Reports to the State of Florida's Chief Inspector General may be filed by connecting to the State's Chief Inspector General's fraud hotline (<http://www.floridaoig.com/reportfraud.htm>), by calling the fraud hotline maintained by the Chief Inspector General (1-800- 543-5353), or by faxing the complaint to the Chief Inspector General (1-850-921-0817).

However, whistleblower protection provided by State law will not apply to the individual who utilizes the State's Chief Inspector General's fraud hotline to report alleged fraud or fraudulent activity. Whistleblower protection may apply to individuals who comply with the requirements for whistleblower protection under State law and who report alleged fraud or fraudulent activity directly to the President who serves as the agency chief inspector.

When the information provided meets the criteria for fraud or fraudulent activity that is set forth in State law and this policy, a staff member, former staff member, applicant, or any other person who files the complaint can keep their identity confidential unless disclosure is:

- A. necessary to protect the public's health, safety, and welfare;
- B. absolutely necessary or unavoidable during the investigation; or
- C. required by State law.

An allegation of fraud or fraudulent activity and all information obtained pursuant to an investigation by the Vice President of Administrative Services and Chief Business Officer of the allegation of fraud or fraudulent conduct will be confidential and exempt from inspection or copying until the investigation ceases to be active or until the Vice President of Administration and Chief Financial Officer provides written notice to the employee who is the subject of the investigation.

Anonymous complaints for which no corroboration can be found will be retained by the College but, pursuant to State law, shall not be placed in any employee's personnel file.

Fraud – Definitions

Fraud is defined as the intentional, false representation, or concealment of a material fact in order to personally benefit or induce another to act to his/her detriment.

Actions constituting fraud include, but are not limited to the following:

- A. falsifying, unauthorized altering of, or forging College documents, including but not limited to the following:
 - 1. claims for payments or reimbursements, which would include, but not be limited to, submitting false claims for travel or overtime;
 - 2. absence or leave forms, an example of which would be reporting falsely an absence as a sick day or failing to report an absence;
 - 3. files, either in electronic or printed format, photographic records or audio records that are maintained by the College or accounts belonging to the College;
 - 4. a check, bank draft, wire transfer, or any other College financial document;
 - 5. student records that are maintained in either electronic or printed formats; and

6. fire, health, sanitation, and safety reports that are maintained in either electronic or printed formats;
- B. misappropriating funds, supplies, or other assets of the College;
- C. handling or reporting money or financial transactions in an improper or illegal manner;
- D. disclosing, either directly or indirectly, confidential and proprietary information to outside parties for personal gain;
- E. disclosing to other persons the purchasing/bidding activities engaged in or contemplated by the College so that any entity, person, or business has an unfair advantage in the purchasing/bid process;
- F. causing the College to pay excessive prices or fees where justification is not documented;
- G. accepting or offering a bribe, gifts or other favors under circumstances that indicate that the bribe, gift, or favor was intended to influence a decision that was, or needed to be, made;
- H. removing, destroying, or using for personal gain records, furniture, fixtures, and/or equipment;
- I. using State or Federal funds for other than their designated and approved purposes; or
- J. using College equipment or work time for any outside private business activity.

This list is meant to illustrate the types of activities that are prohibited and is not intended to be all inclusive. Other misconduct of a similar nature is prohibited.

Investigation

Investigations of alleged fraud or fraudulent activity shall be conducted upon receipt of a legally sufficient report in accordance with this policy and the College's whistleblower policy and procedure.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported and such reports meets the requirements of Florida's Whistleblower's Act.

If the allegations of fraudulent misconduct involve a College employee, former employee, applicant for employment, or independent contractor, the Vice President of Administration and Chief Financial Officer shall conduct a thorough investigation. If it is determined that the allegations appear to involve criminal misconduct, the matter shall be referred to appropriate law enforcement.

If the allegation involves the Vice President of Administration and Chief Financial Officer President, or a Board Member, the allegation shall be referred to the Board Attorney. If the Board Attorney determines that the allegations appear to involve criminal misconduct, the matter shall be referred to appropriate law enforcement. If the Board Attorney determines that the allegations do not appear to involve criminal misconduct, the matter shall be assigned by the Board Attorney to a third party, who is not an employee of the College, for the purpose of conducting an investigation concerning the allegations. Upon the conclusion of this investigation, the investigator shall forward the report to the Board Attorney. The Board Attorney shall forward the report to the Board so that such action as is appropriate can be taken.

Any investigation conducted pursuant to this policy shall be conducted without regard for the length of service, position/title, or relationship of the individual who is alleged to have committed or concealed fraud.

Confidentiality

The College will maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with the conduct of an appropriate investigation and the College's obligations under the Whistleblower's Act, the Freedom of Information Act, and F.S. Chapter 119. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

Except as authorized by the President, the reporting witness and others interviewed are not to discuss the allegations or investigation with other College employees or officials, vendors, or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct, unsubstantiated allegations that are not privileged could harm an innocent individual's reputation and result in potential civil liability.

Non-Retaliation

Those who, in good faith, report suspected fraud or fraudulent activity will not be subject to any retaliation as a result of bringing the suspected misconduct to the attention of the College. Employees, former employees, applicants for employment, or independent contractors will be subject to the protection of the College's whistleblower policy and administrative procedure. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that

the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

Additionally, employees who purposely, knowingly ,or recklessly make a false report of suspected fraud or fraudulent activity shall be subject to disciplinary action pursuant to the College's policies and procedures.

[

DRAFTING NOTE: Select the option below if the College has contracted with the Division of Administrative Hearings to conduct hearings under F.S. 120.65 and F.S. 112.3187.]

[] - Within (sixty) 60 days after an action prohibited by this policy, any employee protected by F.S. 112.3187 may file a complaint with the Board so that a hearing may be held with the Florida Division of Administrative Hearings under F.S. 120.65. - [END OF OPTION]

Effective 11/1/23

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Legal

F.S. 112.3187

F.S. 112.3188

F.S. 112.3189

F.S. 112.31895

F.S. 1001.64

F.S. 1001.65