

FLAGLER COLLEGE



2022 ANNUAL SECURITY AND FIRE SAFETY REPORT

October 2023

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Annual Security Report

SECURITY AT FLAGLER COLLEGE

Your safety and security is extremely important to us at Flagler College. The following information is provided to share our commitment to the security of our College family, to inform you about our campus security policies and procedures, and to instruct you on how to report crime or suspicious behavior and the steps you can take to assist the Office of Campus Safety & Security in keeping the College community safe.

The total undergraduate full-time enrollment at The St. Augustine campus for the fall of 2022 was 2,417. The total undergraduate full-time enrollment at the Flagler-Tallahassee campus was 137. As of September 2022, 1132 undergraduate students lived on the St. Augustine campus, and 522 non-student personnel were employed by the College.

Campus security continues to be improved by updating and enhancing the lighting throughout campus. In addition, the College continues to update and vigorously enforce the Flagler College Student Handbook. It is the responsibility of every Flagler student to familiarize themselves with the Handbook, which informs students of the College's expectations of a Flagler Student, each student's responsibilities as a member of the Flagler community, and informs students of disciplinary procedures and sanctions.

WHY AN ANNUAL SECURITY & FIRE SAFETY REPORT

Federal Requirements – The Clery Act

Enacted in 1990, The Student Right to Know and Campus Security Act (pub. L. 101-542) was designed to "...assist students in making decisions which affect their personal safety..." and "...to make sure institutions of higher education provide students, prospective students, and faculty the information they need to avoid becoming the victims of campus crime." The Higher Education Act of 1998 and the subsequent amendment of the implementing regulations (34 C.F.R. 668.46) significantly expanded institutions' obligations under the Act. The Act was also renamed the "Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act" (hereafter the Clery Act). The Clery Act requires colleges and universities to:

- Publish an annual report every year on or before October 1st that contains three years of campus crime statistics and certain campus security policy statements.
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus Plant Maintenance. The statistics must be gathered from campus police or security, local law enforcement, and other college officials who have "significant responsibility for student and campus activities,"
- Provide "timely warning" notices of those crimes that have occurred and pose an ongoing "threat to students and employees."
- Disclose in a public crime log "any crime that occurred on campus ... or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department."

The purpose of this report is to keep enrolled students and current employees, as well as prospective students or employees, informed about security and fire safety at Flagler College, and to equip you with the information you need to stay safe while at Flagler. It also describes the public safety policies and procedures of the College, in the hope that an informed campus will be a more secure campus.

Links to individual security and public safety policies and procedures are also available on the Flagler website under “Safety & Security” at www.flagler.edu/safetyprocedures/.

PREPARING THE REPORT

The Flagler College Office of Campus Safety & Security is responsible for preparing and distributing this report which includes crime statistics for the past three calendar years. The Office of Campus Safety & Security works with many other College departments, including the Department of Residential Life, the Plant Maintenance Department, and the Title IX Coordinator to compile the information.

The report is available online at www.flagler.edu/annual-security-and-fire-safety-reports. Each member of the College community receives an email on/before October 1 of each year that describes the report and provides its Web address. For a printed copy of the report, contact the Office of Campus Safety & Security at 904-819-6200 or email security@flagler.edu.

The St. Augustine Police Department, as well as other persons identified by the College as “Campus Security Authorities” (CSAs), all cooperate in the preparation of the report. CSAs include members of the Office of Campus Safety & Security, individuals who have responsibility for campus security but are not part of the Office of Campus Safety & Security, and certain designated College officials who have the authority and the duty to take action or respond to particular issues on behalf of the institution. Other CSAs include:

- Vice President for Business Services
- Vice President for Student Affairs
- Dean of Students
- Director and Assistant Director of Residence Life
- Student Resident Advisors
- Director of Student Activities
- Title IX Coordinator & Deputy Title IX Coordinator
- Chief Human Resources Officer
- Director of Counseling Services
- Director & Assistant Director of Undergraduate and Graduate Admissions
- Admissions staff directly involved in student recruiting
- Director & Assistant Directors of Athletics
- Athletic Department coaches, trainers, and advisors
- Faculty members with student-advising responsibilities

CSAs report allegations of Clery Act crimes made in good faith to either the Office of Campus Safety & Security, the St. Augustine Police, or the Tallahassee Community College Police.

Resident Advisors in particular play a key role in reporting criminal activity in the residence halls and houses, and are required to keep a log of incidents occurring during their shifts. In most instances, Residence Life staff will also be involved in answering a call for assistance.

The Clery Act requires, among other things, an annual statistical report of certain crimes reported to the Office of Campus Safety & Security, the local police department, or to a Campus Security Authority.

Those crimes—known collectively as “Clery Act Crimes”—include the following:

- Criminal homicide (murder, non-negligent manslaughter, negligent manslaughter)
- Sexual Assault (including rape, fondling, incest, statutory rape)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Stalking
- Dating Violence
- Domestic Violence

The Clery Act also requires colleges and universities to compile statistics on hate crimes, liquor law and drug law arrests as well as arrests for possession of illegal weapons.

Additionally, the report includes statistics on the number of students referred for campus disciplinary action for liquor and drug law violations, and weapons possession violations.

The report also includes additional safety requirements, emergency notification protocols, response and evacuation procedures, missing student notification policy, maintenance of a fire log and related fire safety issues, all of which are described in more detail herein. The statistics are broken down by location—those reported to have occurred on campus, in residence halls, and on non-campus and public property.

We hope you will find this report informative and helpful, and that your time at Flagler College will be both pleasant and safe. If you have questions or would like further information about safety and security at Flagler, please visit our website at www.flagler.edu/student-support-services/safety--security/.

THE OFFICE OF CAMPUS SAFETY & SECURITY

The Office of Campus Safety & Security is the primary department at Flagler College charged with creating a safe, secure and inviting environment for students, faculty, staff, and visitors. Our mission is to respond to calls for service, both routine and emergency, in an expeditious manner, and to provide the very best service possible; to maintain courtesy and professionalism, while offering guidance and assistance; and to treat all members of the Flagler community equitably and respectfully.

This mission is accomplished by seeking the support of and building partnerships with the entire community, and supporting the mission and Service Standards of Flagler College. Our efforts to maintain a safe and secure environment rely on our ability to develop collaborative relationships with the many communities that make up the College. This task, however, is not one we can accomplish alone. Crime prevention, risk identification, and problem solving are the responsibilities of everyone. We ask you to join us in these efforts by reading this report and referring to it often.

The Office of Campus Safety & Security staff consists of a Director, a systems coordinator, an administrative assistant, and 27 uniformed Security Officers dedicated to providing safety and security services to the College community.

Trained personnel promote the Flagler Service Standards and the Strategic Initiatives of the College by patrolling the campus, responding to calls for assistance, monitoring intrusion detection and fire alarms, and enforcing College policies.

Officers receive basic security training in areas such as building security, key control, and patrol procedures, and are required to attend mandatory in-service training throughout the year to enable them to perform more efficiently and safely, to include CPR, first aid, use of automated external defibrillators (AEDs), fire safety, and report writing. They also train in specialty areas including medical emergencies, proper handling of hazardous materials, blood borne pathogens, spill prevention, response to Active Shooter incidents, de-escalation and assisting outside law enforcement and emergency medical responders in all of these areas.

Enforcement Authority & Jurisdiction

The Office of Campus Safety & Security is comprised of non-sworn Security Officers who derive their enforcement authority from the Board of Trustees. Their authority includes but is not limited to requesting identification to determine whether individuals have lawful business on campus, attaching immobilizing boots to illegally parked vehicles and those with unpaid parking tickets, and enforcing the Student Code of Conduct.

Security Officers patrol the St. Augustine campus on foot and in vehicles 24 hours each day, 7 days a week year-round, and are responsible for the security of certain off-campus buildings and facilities within the City of St. Augustine.

Since the use or possession of firearms or other dangerous weapons is not permitted on campus, Security Officers do not carry weapons, aerosol chemical dispensers, or handcuffs and do not have arrest or detention powers, but work with local police to carry out an arrest.

Upon receipt of any complaint (criminal or otherwise), a Security Officer will respond to the site to investigate and take an Incident Report as needed and, if applicable, enter it into the Daily Crime Log and include the crime in the Annual Security Report. A follow-up investigation will be conducted in appropriate situations.

The Office of Campus Safety & Security works with the Facilities Management Department to monitor the safety and security of College buildings and grounds located within the City of St. Augustine. As a result of this collaboration, the College has installed high intensity discharge lighting, LED lighting in high traffic areas, and has trimmed shrubbery that could provide cover or concealment for criminals or suspicious behavior.

The Office of Campus Safety & Security also works closely with the Office of Residence Life to maintain a safe environment in and around residence halls.

Emergency Phones

Emergency telephones are located at each residence hall and in all campus elevators.

SafeSaints – Safe On-Campus Escort & Transportation Options

During the regular Academic Year, students with mobility issues who have registered with Health Services or the Disability Services Center may call the Office of Campus Safety & Security from 7:00 AM to 6:00 PM Monday through Friday and request a mobile escort by golf cart to and from on-campus buildings and the residence halls.

A nighttime mobile and walking escort service – *Security Ride/Walk* – utilizing Security Officers on foot, golf carts, and a multi-passenger van is also available upon request for escorts and transportation to and from on-campus buildings and the residence halls from 6:00 PM until 6:00 AM daily during the fall and spring semesters. The department also offers a campus shuttle from 7:00 AM to 6:00 PM Monday through Friday.

Other Services

In an effort to enhance the safety of Flagler College, the Office of Campus Safety & Security offers a variety of services throughout the academic year, including emergency notifications, and room lock-outs. The Office of Campus Safety & Security also issues all student, faculty and staff photo ID cards and parking permits, and maintains the College's main Lost-and- Found repository.

INTER-AGENCY COOPERATION

The St. Augustine Police Department, the St. Augustine Beach Police Department, and the St. John's County Sheriff's Office are the major elements in a crime-prevention network that includes the public safety agencies of several colleges and universities located in the City of St. Augustine. The Flagler College Office of Campus Safety & Security works closely with these and other local law enforcement agencies surrounding our campus. Students attending Flagler College benefit from the cooperative relationship that the Office of Campus Safety & Security enjoys with federal, state, county, and local police agencies. We rely on these relationships for support on several levels.

Off-Campus Incidents

When a Flagler College student is involved in an off-campus criminal offense, the St. Augustine Police Department, St. Johns County Sheriff's Office, and the St. Augustine Beach Police Department routinely work and communicate with the Office of Campus Safety & Security and the Dean of Students on any serious incidents or arrests involving a Flagler College student occurring on-campus or in the immediate neighborhood and business areas surrounding campus.

While Flagler-St. Augustine does not operate off-campus housing or off-campus student organization facilities, some undergraduate students live in the city neighborhoods near campus. While local law enforcement agencies have primary jurisdiction in all areas off campus, College Security Officers may, at the request of local law enforcement, respond to student-related incidents that occur in close proximity to campus.

In addition to sharing critical information with other law enforcement and public safety colleagues, the Office of Campus Safety & Security has immediate contact with the St. Augustine Police Department Communications Center. This arrangement allows timely access to mutual aid and support from St. Augustine Police, Fire Department, and Emergency Medical Services. Police Officers from the St. Augustine Police Department regularly patrol city streets that border and crisscross the campus, and occasionally patrol the campus.

Police Services Agreement

A police services agreement exists between the College and the St. Augustine Police Department that provides for the response of their Police Officers to all campus emergencies and alleged criminal incidents when contacted. This agreement also provides for two uniformed Police Officers to be assigned to patrol the St. Augustine campus daily to supplement the College's Security Officers and provide a visible law enforcement presence.

Significant criminal incidents and suspicious criminal activity are reported to the St. Augustine Police Department as they are discovered by or reported to the Office of Campus Safety & Security or other CSAs.

Similarly, reports concerning criminal events occurring off campus, but in areas that could impact the safety of the College community, are transmitted by the St. Augustine Police Department to the Flagler College Office of Campus Safety & Security. Flagler College has no officially recognized off campus student organizations.

REPORTING CRIME

We strongly encourage all students, employees, contract workers, and guests to promptly report all criminal incidents, motor vehicle collisions, and other emergencies to the Office of Campus Safety & Security or the Tallahassee Community College (TCC) Police. To the extent possible, confidentiality and anonymity are respected when requested. At the Flagler-Tallahassee campus, upon request, a representative of the TCC Police will accompany a complainant to the Tallahassee Police Department and assist a complainant in making a criminal report. Saint Augustine Police and the TCC Police will only take a crime report from a victim.

St. Augustine Campus

It is critically important that all crimes occurring on campus or in/on College owned or leased off-campus buildings and property be immediately reported to the Office of Campus Safety & Security to ensure that appropriate action is taken. For each incident reported, an investigation is conducted and a digital file is created. Crimes can be reported at any time of day or night seven days a week at the St. Augustine campus as follows:

- **In person** (walk-ins) – at the satellite Security Office located in the Rotunda of Ponce de Leon Hall (24/7/365) or at the main Security Office located at The Commons 1 Malaga Street (Monday through Friday, 7:00 AM – 3:00 PM).
- **By calling** – the Office of Campus Safety & Security at **904-819-6200** or by using one of the emergency phones on campus. Security Officers assigned as dispatchers will answer this line promptly.

Reports of motor vehicles stolen from the St. Augustine campus are immediately referred to the St. Augustine Police Department. The Office of Campus Safety & Security will take an internal report of the incident, but St. Augustine Police will be responsible for investigating the theft and entering the specifics about a stolen vehicle into the FBI's National Criminal Information Center (NCIC) computer system.

Flagler-Tallahassee Campus

At the Flagler-Tallahassee campus, crimes can be reported at any time of day or night seven days a week as follows:

- **In person** (walk-ins) – at the TCC Police station located in Center Building #9.
- **By calling** – the TCC Police at **9-1-1** (for emergencies) or **850-201-6100**, or by using one of the

- emergency phones on campus. Dispatchers will answer this line promptly.
- If you are involved in an off-campus incident requiring the assistance of local public safety agencies, please call **850-606-5800**.

Reports of motor vehicles stolen from the Tallahassee Community College campus are immediately referred to the Tallahassee Police Department. The TCC Police will take an internal report of the incident, but the Tallahassee Police will be responsible for investigating the theft and entering the specifics about a stolen vehicle into the FBI's National Criminal Information Center (NCIC) computer system.

Routinely through the distribution and posting of brochures, pamphlets, memoranda, and in-house publications, members of both the St. Augustine and Flagler-Tallahassee campus communities are educated regarding the reporting of all criminal or suspicious activities that occur on campus to the Office of Campus Safety & Security or the TCC Police. Additionally, the campus community is informed of security matters of concern both on and off campus. They are also advised to report all criminal acts occurring off campus to the St. Augustine or Tallahassee Police Departments.

CONFIDENTIAL REPORTING PROCEDURES

If you are a victim of a crime but do not want to pursue action either within the College or through the external criminal justice system, you may still wish to consider making a confidential report to the College. You may report an incident without revealing your identity by going to [Home | Home \(flagler.edu\)](#) and going to the Referrals/Incident Reports link to file a report once you have logged in.

A confidential report helps the College to comply with your wish to keep the matter confidential while assisting the College in its efforts to make the campus a safe place. Such reports also assist the Office of Campus Safety & Security in maintaining accurate records of the number of incidents involving students, recognizing if there is a discernible pattern of crime, and alerting the campus community to any potential danger.

Reports filed in this manner are included in the crime statistics for the College if they are "Clery Act crimes," and are listed in the Daily Crime Log but in a confidential manner.

Counseling Service professionals, when functioning within the scope of their license or certification and acting as a counselor, are not CSAs, and are not required to report crimes for inclusion in the Annual Security Report's disclosure of crime statistics. Counselors are, however, encouraged to inform a person being counseled of the procedures to report crimes on a voluntary and/or confidential basis.

DAILY CRIME LOG

St. Augustine Campus

The Office of Campus Safety & Security maintains a daily log of all crimes reported to the department, whether occurring on campus, in/on a non-campus building or property, or on public property within the patrol jurisdiction of the department.

All crimes reported to the Office of Campus Safety & Security are documented in the Daily Crime Log. The entry or an addition to the entry is made within two business days of the date when the initial report was made. The Daily Crime Log records information on each alleged criminal incident, to include the nature of the crime, its general location, the date reported, the date and time it occurred, and the disposition of the complaint (if known).

The crime log for the last 60-day period is located in the main Security Office at 1 Malaga Street, and is available to the public for review during normal business hours. Portions of the crime log older than 60 days are made available within two business days of a request for inspection.

Flagler-Tallahassee Campus

The Daily Crime Log is available for public inspection at the TCC Police Department headquarters located on the second floor of the Center Building on the main campus, or at www.tcc.fl.edu/about/college/administrative-/campus-police/campuscrime-statistics/tccpd-daily-logs/

BUILDING SECURITY

Residence Halls

The St. Augustine campus of Flagler College offers a variety of housing configurations, including singles, doubles, triples, and suites.

The Office of Campus Safety & Security, the Office of Residence Life, and the student residents themselves share responsibility for the security and safety of the residence halls and houses. A Director and Assistant Director, who are full-time Residence Life staff members, manage all aspects of their assigned campus areas and also serve in counseling, supervising, advising, disciplinary and programming roles.

Residence Life staff monitor residence hall safety conditions, and are trained in safety and security issues and fire safety during summer workshops.

The entrance doors to all residence halls and houses are locked 24/7.

Students' room doors are equipped with heavy-duty dead bolt locks. The side and back doors of all residence halls and houses are alarmed.

The Office of Campus Safety & Security patrols all residence halls on a regular basis, and RAs are on-duty in the residence halls until 2:00 AM each night.

Flagler-Tallahassee is a commuter-oriented community college. There are no student housing facilities at any of TCC's campuses.

Academic Buildings

All classroom doors are lockable from inside the classroom. If equipped with card access, classroom doors can be locked remotely from the Security Office.

All academic buildings are locked after evening classes and unlocked in the morning when classes are scheduled to begin. The Office of Campus Safety & Security patrols all academic buildings on a regular basis.

Card Access

Residence Halls are secured using a swipe-card system 24 hours a day, 7 days a week. The main entrances of each residence hall may only be accessed through the College's electronic identification swipe-card system. It is a violation of College policy for a student to permit someone else to use his or her identification card to gain entrance to a residence hall.

CCTV Monitoring

Most residence halls are equipped with high-resolution video cameras.

Most academic buildings are also equipped with video cameras that are remotely monitored in the Security Office.

CAMPUS ACCESS

Because Flagler College is an open campus, but access to certain buildings is limited. All campus buildings, including Ponce de Leon Hall, are closed to the public after 8:00 PM daily. The Residence Halls are all secured using card access technology. Flagler College St. Augustine campus is considered private property, trespassers are escorted off campus by Security Officers and/or arrested by St. Augustine Police.

SEXUAL MISCONDUCT POLICY

Section 1.01 Prohibition against Sexual Harassment

Flagler College is committed to providing and maintaining programs, activities, and an educational and work environment founded on civility and respect, where no one is unlawfully excluded from participation in, denied the benefits of, or subjected to discrimination in any College program or activity on the basis of sex (which includes gender, sexual orientation, sexual identity, gender identity, and gender expression).

Sexual Harassment, as defined in this Policy, encompasses all forms of sex discrimination that may deny or limit an individual's ability to participate in or benefit from College programs or activities.

It is the policy of the College to provide educational, preventative, and training programs regarding Sexual Harassment; to encourage reporting of incidents of Sexual Harassment; to take appropriate action to prevent incidents of Sexual Harassment in College programs and activities; to make services available for those who have been affected by Sexual Harassment; and to provide prompt and equitable methods of investigation and resolution to stop discrimination, address its affects, and prevent its recurrence.

Sexual harassment encompasses all forms of sex-based discrimination that may deny or limit an individual's ability to participate in or benefit from College programs or activities. Specific examples can include but are not limited to: sexual harassment, sexual assault, gender discrimination, dating violence, domestic violence, stalking, sexual exploitation, and sexual intimidation. Sexual harassment and retaliation are prohibited. Violations of the Sexual Harassment Policy may result in sanction(s) up to and including suspension, dismissal, or expulsion.

Section 1.02 Scope and Applicability of This Policy.

A. Jurisdiction.

This Policy applies to any Formal Complaint of Sexual Harassment made by or against a student or an employee of the College unless:

1. The conduct alleged in the Formal Complaint, even if proven true, would not constitute Sexual Harassment;

2. The conduct did not occur in the College's education program or activity, or
3. The conduct did not occur in the United States.

In the case of allegations of Sexual Harassment, unless otherwise stated herein, this policy supersedes and applies in lieu of all other procedures and policies pertaining to Sexual Harassment.

B. Period of Limitations on Reporting Sexual Harassment.

Sexual Harassment may be reported at any time, regardless of the length of time between the alleged Sexual Harassment and the making of the report. However, if the Responding Party is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Section 1.03 Definitions Applicable to This Policy.

Capitalized terms used in this Policy are defined in **Exhibit C**.

Section 1.04 Sexual Harassment Education.

The College is committed to the prevention of Sexual Harassment and routinely conducts outreach and educational programming designed to increase awareness of the prevalence of Sexual Harassment involving students and other College constituents. This College's Sexual Harassment education is designed to inform the College community about issues related to Sexual Harassment (such as substance abuse and the role of the bystander) and promote knowledge of the College's Sexual Harassment Policy.

Section 1.05 Title IX Team.

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against any party. The Title IX Team is generally comprised of the Title IX Coordinator, Reporting/Responding Party Advisors, Investigators, Appeal Officers, Hearing Panel Members, and any person who facilitates an informal resolution process.

Section 1.06 Training

The College regularly conducts Sexual Harassment training for its constituents and Title IX Team. Training can be found on Flagler College's Title IX website (www.flagler.edu/title-ix). The Title IX Team will receive training on the definition of Sexual Harassment, the scope of the College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train Title IX Team will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment. Decision-makers will also receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Reporting Party's sexual predisposition or prior sexual behavior are not relevant

Investigators will also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Section 1.07 Conflicts of Interest or Bias

No member of the Title IX Team may have a conflict of interest or bias for or against Reporting Parties or Responding Parties or an individual Reporting Party or Responding Party.

ARTICLE II - REPORTING POLICIES AND PROTOCOLS

Section 2.01 Formal Complaints of Sexual Harassment.

Sexual Harassment constitutes a violation of College policy and can be a criminal offense. The College strongly encourages individuals to report alleged Sexual Harassment promptly to campus officials and to law enforcement authorities, where appropriate. The College respects an individual's decision to not report an incident of Sexual Harassment; however, subject to the Confidentiality & Privacy provisions outlined in Article III of this Policy, if information about Sexual Harassment comes to the attention of the College, the College will review all information available to it to determine if an investigation must be initiated and/or may notify appropriate law enforcement authorities if required or warranted by the nature of the information of which it becomes aware. Because reporting carries no obligation to initiate a formal response, and as the College respects when a Reporting Party requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Reporting Party is largely in control and should not fear a loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.

Importantly, for alleged victims under the age of 18, Florida law requires that any Flagler College employee receiving the allegation report to the Florida Department of Children and Families any information that gives reasonable cause to suspect that a child has been abused, abandoned or neglected. Employees with reasonable cause to believe that a child has been abused, abandoned or neglected **must immediately report** such information to the DCF hotline: 1-800-962-2873. For more information, visit www.myflfamilies.com.

Section 2.02 Reporting to the College.

A. Mandatory Reporters. The Title IX Coordinator and Responsible Employees are Mandatory Reporters. These individuals are REQUIRED to relay the allegations to the Title IX Coordinator. Individuals who are not classified as Mandatory Reporters are not subject to the same reporting requirement and, in some instances, are prohibited from reporting alleged Sexual Harassment to others absent an express directive from the individual to do so. Individuals may report information regarding Sexual Harassment on their own behalf (i.e., personal experience) or on behalf of another person individual (i.e., Third-Party reporter). Failure of a Mandatory Reporter to report an incident of harassment or discrimination of which they become aware is a violation of College policy and can be subject to disciplinary action for failure to comply.

1. Title IX Coordinator.

Title IX Coordinator is the College employee responsible for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX. Contact information for the Title IX Coordinator is located in **Exhibit A** of this Policy.

2. Responsible Employees.

A Responsible Employee is an employee of the College who has the obligation to convey to the Title IX Coordinator any reports or allegations of Sexual Harassment of which they become aware. The following individuals are designated through this Policy as the College's Responsible Employees:

- a. All employees unless designated as a confidential source in Article III
- b. Residence Life Student and Professional Staff
- c. Faculty and Adjunct Instructors
- d. Aramark and Flagler College Bookstore Managers

Disclosures involving alleged incidents involving Sexual Harassment during Public Awareness Events (Take Back the Night, candlelight vigils, survivor speak outs, or other public forums in which individuals may disclose incidents of Sexual Harassment) may not trigger Flagler College to conduct an investigation unless the individual making this disclosure initiates a Formal Complaint under this Policy.

3. Anonymous Reports.

Individuals may also file anonymous reports by calling (904) 826-8553 or visiting www.flagler.edu/title-ix and selecting "Report an Incident". Individuals who choose to file a report anonymously must understand it may limit the extent to which the College is able to address the issue.

Section 2.03 Reporting to Law Enforcement.

If you have been the victim of a crime, **please dial 911**. Additionally, individuals may contact the College or local law enforcement agencies at one of the numbers below to obtain further information on filing a criminal allegation with local law enforcement:

St. Augustine Campus:

Flagler College Office of Campus Safety and Security: (904) 819-6200

St. Augustine Beach Police Department: (904) 471-3600

St. Augustine City Police Department: (904) 825-1074 St. John's

County Sheriff's Office: (904) 824-8304

Tallahassee Campus:

Tallahassee Community College Police Department: (850) 201-6100

Tallahassee Police Department: (850) 891-4200 Leon County

Sheriff's Office: (850) 606-3300

Individuals also may contact Flagler's Title IX Coordinator for assistance in filing an allegation with local law enforcement. See **Exhibit A** for the Title IX Coordinator's contact information. Individuals who make a criminal allegation may also choose to pursue a Formal Complaint with the College in accordance with this Policy.

Section 2.04 Office for Civil Rights

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Inquiries can be made externally to:

Office for Civil Rights (OCR)
 U.S. Department of Education
 400 Maryland Avenue, SW
 Washington, D.C. 20202-1100
 Customer Service Hotline #: (800) 421-3481 TDD#:
 (877) 521-2172 Email: OCR@ed.gov
 Web: <http://www.ed.gov/ocr>

WHAT HAPPENS AFTER I REPORT?	
If you reported directly to the Title IX Coordinator :	The Title IX Coordinator will initiate the resolution process (unless you request privacy pursuant to Section 3.02, in which case the information will be held in confidence unless the Title IX Coordinator determines that, because of the College’s commitment to provide a reasonably safe and non-discriminatory environment, the request cannot be granted).
If you reported to a Responsible Employee :	The Responsible Employee will forward the information to the Title IX Coordinator, who will initiate the grievance process
If you confided in Flagler Health Services, Counseling Services, or TCC’s Counseling Center :	The information you provided will remain strictly confidential and will not* be reported to a Title IX Coordinator (or anyone else) for investigation and resolution. <i>*Remember that in unusual circumstances, the information you share with Health Services or a Counseling Center (such as situations involving imminent harm to you, a member of the community or situations involving abuse of a child) may be disclosed.</i>
If you reported to someone else	The individual <i>may</i> or <i>may not</i> report details regarding the information you provided to the Title IX Coordinator. This is because the individual to whom you reported is not <i>obligated</i> to relay allegations of Sexual Harassment to the Title IX Coordinator.
If you made an anonymous report :	The information in the anonymous report will be addressed promptly. Individuals submitting an anonymous report must understand it may limit the extent to which the College is able to address the issue.

ARTICLE III – CONFIDENTIALITY & PRIVACY

Section 3.01 Confidentiality in Reporting and Disclosure.

The College strongly encourages individuals who have experienced Sexual Harassment to report the incident to the Title IX Coordinator. Additionally, individuals may want to talk to a professional about the incident for further support.

A. Licensed Mental Health Counselors and Medical Staff. Individuals may discuss Sexual Harassment in strict confidence with College employees working in the following offices (“Strictly Confidential Resources”):

1. Counseling Services at Flagler College St Augustine
2. Health Services at Flagler College St Augustine
3. TCC Counseling Center at Flagler College Tallahassee

Strictly Confidential Resources are not Mandatory Reporters; therefore, disclosures to these individuals will not trigger an investigation under this Policy. However, these individuals may otherwise be required to disclose certain information in accordance with applicable laws including, but not limited to, allegations of abuse, neglect or abandonment of a child or information that involves imminent threats of harm to the health and/or safety of the individual or another individual.

B. Mandatory Reporters. A disclosure to a Responsible Employee (defined in Section 2.02) constitutes a report to the College.

Section 3.02 Requesting Privacy.

If information regarding alleged Sexual Harassment is shared with Responsible Employees and the individual desires that the information not be shared with other Responsible Employees, with the Responding Party, or with others, even as appropriate and necessary to address the allegations, that the College not investigate the information, or that no disciplinary action be taken, the individual must request that the College treat such information as private. This request must be made to the Title IX Coordinator.

A. Evaluation of the Request. The Title IX Coordinator will evaluate the request for privacy in the context of the College’s commitment to provide a reasonably safe and nondiscriminatory environment and will determine whether such request may be granted. In order to make such a determination, the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Harassment and may weigh requests for privacy against the following factors, among others:

1. the seriousness of the alleged Sexual Harassment (including, but not limited to, whether the Sexual Harassment was committed with a weapon);
2. the increased risk that the Responding Party will commit additional acts of Sexual Harassment, such as
 - a. whether there have been other reports or allegations against the Responding Party,
 - b. whether the Responding Party has a history of arrests or records from a prior school indicating a history of Sexual Harassment or a history of violence,

- c. whether the Responding Party threatened further Sexual Harassment or threatened violence against the individual or others, or
 - d. whether the Sexual Harassment was committed by multiple Responding Parties;
3. whether the information reveals a pattern at a given location or by a particular group or person;
 4. the Responding Party's right to receive information about the allegations in accordance with applicable laws;
 5. the results of a violence risk assessment shows a compelling risk to health and/or safety of the College community;
 6. whether the Reporting Party is a minor; and
 7. whether the College possesses other means to obtain relevant evidence of the Sexual Harassment (e.g., security cameras or security personnel, physical evidence).

The presence of one or more of these factors may lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College may honor the request for privacy.

B. Determination as to Whether Request Can Be Granted. The Title IX Coordinator will inform the person requesting privacy if the request can be granted or if the investigation must proceed without anonymity.

1. If the College determines that it cannot maintain privacy, it will inform the individual prior to starting an investigation and will, to the extent possible, only share information with people responsible for addressing the allegations. The College will also take ongoing steps to protect the individual from Retaliation or harm and work with them to create a safety plan, if warranted, and assist the individual in accessing other services and supportive measures.
2. If the College honors the request for privacy, the College's ability to investigate and take reasonable action in response to an allegation of Sexual Harassment may be limited. A Responding Party is entitled to know the name of the accuser and information regarding the nature of the allegations in order to defend against the allegations; thus, the College may not be able both to adjudicate the Formal Complaint and to maintain privacy during that process.

Even when the College determines to abide by a request for privacy (and even if such request limits the College's ability to take disciplinary action against the Responding Party):

- a. To the extent practicable and appropriate, the College will take prompt action to limit the effects of the alleged Sexual Harassment and to prevent its recurrence. For instance, the College may take appropriate supportive measures to ensure an individual's safety even in the absence of a College proceeding. The College may also consider broader remedial action (such as increased monitoring, supervision, or security at locations where reported sexual harassment occurred, increased education and prevention efforts, including to targeted population groups, and climate assessments).
- b. Information regarding the alleged Sexual Harassment may be included in College records, as necessary and appropriate.
- c. College personnel will (and are obligated to) handle information regarding alleged Sexual Harassment in accordance with applicable local, state, and federal laws.

Section 3.03 Privacy in the Investigation and Resolution Processes.**A. Sharing of Information (Applicable to All Reports and Allegations).**

The College will respect and will make every feasible effort to avoid the disclosure of the information shared and the identities of the parties involved in Sexual Harassment matters. Information regarding alleged Sexual Harassment will generally be disclosed by College personnel as follows:

1. The College's Responsible Employees will report information regarding alleged Sexual Harassment to the Title IX Coordinator (see Section 2.02 for additional information on reporting to Responsible Employees).
2. College personnel will handle information regarding alleged Sexual Harassment in accordance with applicable local, state, and federal laws and may report alleged Sexual Harassment to local law enforcement if warranted by the nature of the allegations at issue.
3. College administrators will share information regarding alleged Sexual Harassment, as appropriate and necessary, in order to address and resolve the allegation(s) at issue, prevent the recurrence of similar Sexual Harassment, and address the effects of the Sexual Harassment.

**ARTICLE IV - GENERAL PROVISIONS APPLICABLE TO ALL ALLEGATIONS OF
SEXUAL HARASSMENT****Section 4.01 Oversight.**

The Title IX Coordinator or designee will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of Formal Complaints and other reports of Sexual Harassment that are filed with or disclosed to the College.

Section 4.02 Conflicts.

If any administrator designated by this Policy to participate in the investigation or resolution of a report or Formal Complaint is the Responding Party, then the Title IX Coordinator will appoint another College administrator to perform such person's duties under this Policy. If the Title IX Coordinator is the Responding Party, then the Chief Human Resources Officer will appoint another College administrator to perform the Title IX Coordinator's duties under this Policy.

Section 4.03 Advisors.

When a Formal Complaint is received by the College, the Reporting Party and the Responding Party may have an advisor present throughout the process. The College will offer a trained advisor to the Parties; however, the Parties are not limited in their choice of advisor. The advisor may be a friend, an advocate, a lawyer, or another person. The College is not obligated to provide legal counsel on behalf of any Party.

Absent accommodations for a disability, the Parties may not be accompanied by more than one advisor or by other individuals during meetings and/or hearings (See Section 4.08).

See Exhibit B for more information on Advisors.

Section 4.04 Promptness.

The College will make every reasonable effort to ensure that the investigation and resolution of a report or Formal Complaint occurs in as timely and efficient manner as possible. The process can take 60-90 days to resolve, typically. Throughout the investigation, the Parties will receive periodic status updates and notice of any delays from the Title IX Coordinator.

Any Party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request.

The Title IX Coordinator may modify any deadline contained in this Policy as necessary and for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Section 4.05 Prohibition on Retaliation.

Neither the College nor any other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX, its implementing regulations, and this Policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of Sexual Harassment, or a Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitutes retaliation.

The College will keep confidential the identity of any individual who has made a report or complaint of Sexual Harassment, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Reporting Party, any individual who has been reported to be the perpetrator of Sexual Harassment, any Responding Party, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures for Sexual Harassment.

The exercise of rights protected under the First Amendment does not constitute Retaliation. Violations of this prohibition may be addressed through this Policy or the Student Handbook. Any person who feels that they have been subjected to Retaliation should make a report to the College's Title IX Coordinator.

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 does not constitute retaliation.

Section 4.06 Prohibition on Providing False Information.

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under College policy.

Section 4.07 Amnesty for Students.

The College considers the reporting and resolution of Sexual Harassment to be of paramount importance. Sometimes, individuals are hesitant to report or participate in the process because they fear that they may be accused of policy violations, such as underage drinking and drug use at the time of the incident. It is in the best interest of this community that as many people as possible choose to report allegations of Sexual Harassment and witnesses come forward to share what they know with the College.

To encourage reporting, the College pursues a policy of offering amnesty from minor policy violations at the time of an incident (i.e. drinking, drug use, interhall visitation) as determined by the Dean of Students in conjunction with the Title IX Coordinator for the St Augustine campus. The Dean of Flagler College Tallahassee in conjunction with the Title IX Coordinator will determine amnesty for the Tallahassee campus.

Section 4.08 Individuals with Disabilities.

The College is dedicated to providing an inclusive campus. The College will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations to participate in the steps and procedures outlined in this Policy.

St. Augustine Campus: Requests for accommodations must be made to the Disability Resource Center. The supporting documentation will be reviewed by one of the above offices and inform the Student and the Title IX Coordinator about approved accommodations, and work with the Title IX Coordinator to make arrangements for the accommodations. The Disability Resource Center is located in Proctor Library Room 211, and can be contacted by phone at (904) 819-6460 or email at disabilityservices@flagler.edu.

Tallahassee Campus: The Disability Resource Center in St Augustine will be responsible for intake, request, approval, and appeal of accommodations. Dr. Riggs, Dean of Flagler Tallahassee will be responsible for the coordination of approved accommodation. Additional support service includes: TCC's Student Accessibility Services. They are located in the Student Union, Room 172 and available by phone at (850) 201-8430 or email at SAS@tcc.fl.edu.

Section 4.09 Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Flagler College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Reporting Party's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

Section 4.10 Federal Statistical Reporting Obligations

The College has a duty to report statistics for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept private, but statistical information must be shared with Safety and Security regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report.

Section 4.11 Revisions to this Policy

This Policy supersedes any previous policy (ies) addressing harassment, sexual harassment, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this Policy as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

Section 4.12 Privileged Communications

At no time does the College 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.

ARTICLE V – FORMAL COMPLAINTS AND FORMAL GRIEVANCE PROCESS**Section 5.01 Formal Complaints**

A Formal Complaint means a document submitted or signed by the Reporting Party or signed by the Title IX Coordinator alleging a policy violation by a Responding Party and requesting that the College investigate the allegation(s). A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in this policy, or as described in this section. As used in this paragraph, the phrase “document filed by a Reporting Party” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the Reporting Party’s physical or digital signature, or otherwise indicates that the Reporting Party is the person filing the complaint, and requests that the College investigate the allegations.

The College may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Responding Party, or by more than one Reporting Party against one or more Responding Party’s, 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 Reporting Party or more than one Responding Party, references to the singular “Party,” “Reporting Party,” or “Responding Party” include the plural, as applicable.

Once a Formal Complaint is initiated, the individual who brought forward the allegation of Sexual Harassment will be referred to as a “Reporting Party” and the person whom the Formal Complaint is directed will be referred to as a “Responding Party.”

Upon receipt of a Formal Complaint to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator will initiate a prompt initial assessment to determine the next steps and will initiate at least one of three responses:

A. Offering supportive measures because the Reporting Party does not want to file a formal complaint; and/or

If a supportive and remedial response is preferred, the Title IX Coordinator works with the Reporting Party to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Reporting Party can elect to initiate one later, if desired.

B. An informal resolution; and/or

If an informal resolution option is preferred, the Title IX Coordinator assesses whether the Formal Complaint is suitable for informal resolution, [which informal mechanism may serve the situation best or is available] and may seek to determine if the Responding Party is also willing to engage in informal resolution. An informal resolution may not be offered unless a Formal Complaint is filed.

C. A Formal Grievance Process including an investigation and a hearing upon submission of a formal complaint.

If a Formal Grievance Process is preferred, the Title IX Coordinator must initially determine if the conduct alleged in the Formal Complaint falls within the scope of Title IX

1. If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - a. an incident, and/or
 - b. a pattern of alleged harassment, and/or
 - c. a culture/climate issue, based on the nature of the complaint.
2. If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the Formal Complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly. Please note that dismissing a Formal Complaint under Title IX is solely a procedural requirement under Title IX and does not limit the College’s authority to address a Formal Complaint under a separate process.

The Title IX Coordinator can determine, based on information reported, that it is necessary and/or appropriate for the College to investigate the information available to it. When the Title IX Coordinator executes the written complaint, they do not become the Reporting Party. The Reporting Party is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy and retains all rights of a Reporting Party under this Policy irrespective of their level of participation.

In all proceedings under this Policy, the College requires an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a Reporting Party, Responding Party, or witness.

Section 5.02 Objecting of the Formal Grievance Process

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Responding Party engaged in a policy violation and evidence that supports that the Responding Party did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Reporting Party, Responding Party, or witness. The College operates with the presumption that the Responding Party is not responsible for the reported Sexual Harassment unless and until the Responding Party is determined to be responsible for a policy violation by the applicable standard of proof.

Section 5.03 Notice of Investigation and Allegations

Upon receipt of a Formal Complaint, the College will provide a written Notice of Allegations to the parties who are known. The Notice of Allegations will include the following information:

- A. Notice of the College's grievance process, including any informal resolution process;
- B. Notice of the allegations of Sexual Harassment potentially constituting Sexual Harassment, 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.
- C. A statement that the Responding Party is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- D. Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
- E. Provisions in the Code of Conduct that prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the College decides to investigate allegations about the Reporting Party or Responding Party that are not included in the Notice of Allegations, the College will provide an Amended Notice of Allegations to the parties whose identities are known.

Section 5.04 Dismissal of a Formal Complaint

The College shall dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- A. The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined herein, even if proved;
- B. The conduct did not occur in the College's education program or activity; or
- C. The conduct did not occur against a person in the United States.

Dismissal for any of the reasons herein shall not preclude action under another provision of the College's Code of Conduct.

The College may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- A. The Reporting Party notifies the Title IX Coordinator in writing that the Reporting Party wants to withdraw the Formal Complaint or any allegations therein;
- B. The Responding Party is no longer enrolled or employed by the College; or
- C. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the Parties. This dismissal decision is appealable by any Party under the procedures for appeal in Article VIII. [The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate.]

A Reporting Party who decides to withdraw a complaint may later request to reinstate it or refile it.

Section 5.05 Supportive Measures

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving a Formal Complaint. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The College will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic/occupational impact on the Parties as possible. The College will implement measures in a way that does not unreasonably burden the other Party.

These measures include, but are not limited to the following:

A. Students

1. Issuing no-contact orders to prevent any contact between the Reporting Party, the Responding Party, witnesses, and/or Third Parties;
2. Changing on-campus housing, if any, to a different on-campus location and providing assistance from College personnel in completing the relocation;
3. Assigning dining facilities and/or study areas;
4. Changing on campus work arrangements or schedules;
5. Changing academic schedules;
6. Provide alternate course completion options;
7. Excusing class absences;
8. Providing security escorts as determined by the Title IX Coordinator;
9. Provide counseling services by the College through campus resources;
10. Prohibiting from being on College property and/or using College facilities (including residence halls and all other areas controlled, leased, or used by the College);

11. Prohibiting from attending classes or limiting class attendance;
12. Prohibiting from participating in and/or attending Student programs and activities;
13. Prohibiting from representing the College on athletic teams or in leadership positions; and/or
14. Emergency removal.

The Title IX Coordinator will notify the Parties of the supportive measures, if any. If a Party wishes to challenge a supportive measure decision, they must submit the challenge in writing to the Title IX Coordinator within 3 days of receipt of supportive measures. The Title IX Coordinator will reply promptly with a final decision.

B. Employees. When an employee's alleged actions or behaviors affect the safety, health, or general welfare of the Reporting Party, the Responding Party, students, other employees, and/or the College community, the Title IX Coordinator may:

1. take such steps as are reasonable, appropriate, and necessary to restrict Parties' movement on campus;
2. take such steps as are reasonable, appropriate, and necessary to re-assign or place on administrative leave. Determinations regarding employee discipline will be made in accordance with the College's policies and procedures governing such matters; or
3. take any other reasonable actions necessary to protect the safety, health, or general welfare of the Reporting Party, Responding Party, students, other employees, and/or the College Community.

Section 5.06 Emergency Removal

In certain circumstances, the College may need to immediately remove an individual from an education program or activity. If an emergency removal is necessary, the College will undertake an individualized safety and risk analysis to determine whether an immediate threat to the physical health or safety of any student or other individual arising from allegations of sexual harassment exists prior to removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the CARE Team using its standard objective violence risk assessment procedures.

If an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the Formal Complaint but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. A Reporting Party and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX.

A Responding Party may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator regarding an emergency removal. The Responding Party will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion to implement or stay an emergency removal and to determine the conditions and duration. There is no appeal process for emergency removal decisions.

Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, restricting a student's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

When the Responding Party is an employee, the Title IX Coordinator will work with the Chief Human Resource Officer to determine and implement the least restrictive emergency actions possible in light of the circumstances and safety concerns.

Section 5.07 Meetings with the Title IX Coordinator

The Parties and any witness may contact the Title IX Coordinator at any time to schedule a meeting to discuss the procedures set forth in this Policy or any other matters under this Policy. The Title IX Coordinator is not an investigator or decision-maker.

Section 5.08 The Investigation.

- A. The Investigator.** Once the decision to initiate a formal investigation is made, the Title IX Coordinator appoints an Investigator(s) to conduct the investigation. The Title IX Coordinator will vet the Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Chief Diversity and Inclusion Officer.
- B. Investigation Steps.** All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.
- C. Timeliness of Investigation.** Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.
- D. Delays.** The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions. The College will communicate in writing the anticipated duration of the delay and reason to the parties, and provide the parties with status updates if necessary. The College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, College will implement supportive measures as deemed appropriate. College action(s) or processes are not typically altered or precluded on the grounds

that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

- E. Witnesses.** Each Party shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses may provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may still be used as evidence.
- F. Recording.** No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.
- G. Evidence.** The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Reporting Party's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Reporting Party's prior sexual behavior are offered to prove that someone other than the Responding Party committed the conduct alleged by the Reporting Party, or if the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Responding Party and are offered to prove consent.
- H. Burden of Proof and Burden of Gathering Evidence during the Investigation.** The burden of proof and the burden of gathering evidence rests on the College and not on the parties provided that the College cannot access, consider, disclose, or otherwise use a party's records 2023 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 College obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the College will obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3).
- I. Effect of Criminal Investigation.** The College's investigation may be delayed temporarily while criminal investigators are gathering evidence. In the event of such a delay, the College may take supportive measures when necessary. Both Parties will be notified of the delay. Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate a matter is determinative of whether Sexual Harassment, for the purposes of this Policy, has occurred.
- J. Notice.** A party whose participation is invited or expected shall receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time to prepare to participate.
- K. Restrictions on Communications.** The Parties are not restricted or prohibited from discussing the allegations under investigation or to gather and present relevant evidence.
- L. Advisors.** The Parties have equal rights to 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 shall not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the College may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

M. Inspection and Review of Investigatory Evidence. The 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 a 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 conclusion of the investigation.

Prior to completion of the investigative report, the College 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.

The Parties will have ten (10) 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

N. The Investigator's Report. The Investigator will complete a written investigative report related to the allegations in the Formal Complaint. The Investigative Report will fairly summarize relevant evidence and, at least ten (10) days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, the College will send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

O. Referral for Hearing. Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

P. Withdrawal or Resignation While Formal Complaint Pending.

1. Students: Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. A student who withdraws or leaves while the process is pending may not return to the College. Such exclusion applies to all campuses of Flagler College. Admissions will also be notified that the student shall not be readmitted, and the student will be barred from College property and/or events.

If a student Responding Party only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return unless and until the Formal Complaint is resolved.

2. Employees: An employee who resigns while a Formal Complaint is pending is not eligible for rehire with the College or any campus of Flagler College and the records retained by the Title IX Coordinator and HR will reflect that status.

Section 5.09 Formal Complaints Against Vendors/Contractors.

If the Responding Party is a Vendor/Contractor (and not a student or employee), the Title IX Coordinator will conduct interviews and evidence, conduct additional interviews as they see fit, and will determine whether the evidence establishes that it is more likely than not the Responding Party committed Sexual Harassment. The Title IX Coordinator will issue a recommendation letter to the Vice President of Business Services (or the contract supervisor), who will issue a written decision letter concurrently to the Parties. There will be no appeal permitted.

ARTICLE VI – ADMISSION OF RESPONSIBILITY AND INFORMAL RESOLUTIONS

Section 6.01 Responding Party Admission of Responsibility Prior to Hearing.

At any time prior to a hearing, the Responding Party may elect to admit responsibility for their actions. In such a situation, the Responding Party must admit to having engaged in Sexual Harassment and violating this Policy.

The Title IX Coordinator will propose sanction(s) for the Responding Party. If the Reporting Party and the Responding Party agree to such proposed sanction(s), then the Formal Complaint will be resolved without a hearing and without any further rights of appeal by any Party.

If either the Reporting Party or the Responding Party objects to such proposed sanction(s), a Hearing Panel will convene for the exclusive purpose of determining an appropriate sanction in accordance with Article VII, as applicable, of this Policy.

The sanction(s) may be subject to appeal pursuant to Article VIII of this Policy. For purposes of this paragraph, all of the other provisions of this Policy relating to the recommendation and imposition of a sanction for Sexual Harassment shall apply.

Section 6.02 Informal Resolution

Informal Resolution is available at any time after the filing of a Formal Complaint and prior to a determination regarding responsibility. Informal Resolution is not available in cases where a student is the Reporting Party and an employee is the Responding Party.

The College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Sexual Harassment consistent with this Policy. Similarly, the College will not require the Parties to participate in an Informal Resolution under this section and may not offer an Informal Resolution unless a Formal Complaint is filed. However, at any time prior to reaching a determination regarding responsibility, the College may facilitate an Informal Resolution, that does not involve a full investigation and adjudication.

- A. Process.** When the parties voluntarily elect to participate in Informal Resolution, the Title IX Coordinator will facilitate the process to determine whether the parties can voluntarily agree on a mutually acceptable resolution of the Formal Complaint.
1. Provides 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, provided, however, that at 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, and
 - c. any outcome resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
 2. Obtains the parties' voluntary, written consent to the informal resolution process; and
 3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

The Title IX Coordinator will gather relevant information as necessary from the Parties and other individuals. The Title IX Coordinator will meet with the Parties separately. During their meeting with the Title IX Coordinator, the Parties will have an opportunity to discuss the Formal Complaint, their desired outcome, and any other matters pertinent to the Formal Complaint. Both the Reporting Party and the Responding Party may have an advisor present during the meeting with the Title IX Coordinator.

After gathering relevant information and meeting with the Parties, the Title IX Coordinator will propose a resolution in writing to the Parties. The proposed resolution may include (a) sanction(s) for the Responding Party. If either the Reporting Party or the Responding Party object to the proposed outcome, then Informal Resolution will be terminated, and the Formal Complaint will continue in accordance with this Policy.

- B. Informal Resolution Agreement.** If the Parties agree to the Title IX Coordinator’s proposed outcome, a written Informal Resolution Agreement will be prepared by the Title IX Coordinator and distributed to the Parties. The Informal Resolution Agreement will set forth the proposed resolution and must be signed by the Parties with an acknowledgement that the agreed-upon resolution is voluntary and mutually acceptable within three (3) days of receipt.

If either Party elects to not sign the Informal Resolution Agreement, then Informal Resolution will be terminated, and the Formal Complaint will continue in accordance with this Policy.

If the Informal Resolution Agreement is timely signed by both Parties, the Formal Complaint will be considered resolved, and the Informal Resolution Agreement will be considered the final outcome. The Parties shall not have any further right to appeal.

ARTICLE VII – HEARINGS

PREVENTION AND EDUCATION EFFORTS

Flagler College is committed to the prevention of sexual misconduct and sexual harassment through education and awareness. Throughout the year, the College engages in comprehensive, intentional, and integrated programming, initiatives, and strategies intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Under the direction of the College’s Title IX Coordinator, events, training, and programs have been conducted for all new students, all residential students, all full-time and adjunct faculty, all student-athletes, all coaching staff, all residential and student life staff, and all staff who serve in Title IX roles. Several of these initiatives have been sponsored and conducted by student groups, and mandatory attendance has been required at many of these events.

Section 7.01 Hearing Preparation (What Happens Before the Hearing)

- A. Advisors.** If a party does not have an advisor present at the live 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.

- B. Composition of the Hearing Panel.** The Title IX Coordinator will select the members of the Hearing Panel from among the members of the Sexual Harassment Board, to include three faculty and/or staff members (none of whom shall be from the same academic department or office as the Reporting Party or the Responding Party, if applicable). One of the three Hearing Panel members will be appointed by the Title IX Coordinator as the Chair.
- C. Notice of Hearing.** The Title IX Coordinator will provide concurrently provide the Reporting Party and the Responding Party with a written Notice of Hearing no less than ten (10) days prior to the hearing. The Notice of Hearing will include:
1. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
 2. The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
 3. Any technology that will be used to facilitate the hearing.
 4. Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Panel and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
 5. A list of all those who will attend the hearing, along with an invitation to object to any Hearing Panel Member on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
 6. Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
 7. A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will be considered by the Hearing Panel. The hearing may only be rescheduled if the Hearing Panel determines that good cause exists.
 8. Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.
 9. A copy of all the materials provided to the Hearing Panel about the matter, unless they have been provided already.
 10. An invitation to each party to submit to the Chair an impact statement one (1) day before the hearing panel that the Hearing Panel will review during any sanction determination.
 11. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
 12. A statement that parties may not bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic semester and are unable to be resolved prior to the end of term will typically be held immediately after the end of the semester or during the summer, as needed, to meet the resolution timeline.

In these cases, if the Responding Party is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

- D. Objections to the Composition of the Hearing Panel.** The Parties may challenge the participation of any member of the Hearing Panel by submitting a written objection to the Title IX Coordinator within three days of receipt of the notice of the hearing. Such objection must state the specific reason(s) for the objection. The Title IX Coordinator will evaluate the objection and determine whether to alter the composition of the Hearing Panel. Failure to submit a proper objection will constitute a waiver of any right of objection to the composition of the Hearing Panel. Any

changes in the composition of the Hearing Panel must be provided in writing from the Title IX Coordinator to both Parties at least one day prior to the date of the hearing.

E. Joint Hearings. In hearings involving more than one Responding Party or in which two (2) or more Reporting Parties have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Responding Party to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Responding Party with respect to each alleged policy violation.

F. Information to Be Provided Prior to the Hearing.

1. **By the Parties.** No fewer than five days prior to the hearing date, the Reporting Party and the Responding Party must provide the Title IX Coordinator with:
 - a. a list of witnesses, if any, that they propose the Hearing Panel call and a list of questions, if any, for the Hearing Panel to ask such witnesses,
 - (1) Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) [or have offered a written statement or answered written questions], unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not agree to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.
 - b. copies of documents and a description of any other information they propose to present,
 - c. the name of the advisor, if any, that will accompany them to the hearing, and
 - d. if desired, an impact statement, and
 - e. request to participate remotely or with alternate arrangements.

In the absence of good cause, which shall be determined by the Chair of the Hearing Panel in their sole discretion, neither the Reporting Party or the Responding Party may introduce witnesses or documents at the hearing that were not provided to the Chair of the Hearing Panel by the proper deadline (five days prior).

2. **By the Hearing Panel.** No fewer than three days prior to the hearing date, the Hearing Panel Chair will provide written notice of the witnesses the Hearing Panel plans to call to the Title IX Coordinator.
3. **By the Title IX Coordinator.** No fewer than three days prior to the hearing date, the Title IX Coordinator will provide each Party with a packet containing copies of the Formal Complaint, the Investigative Report, the other Party's list of witnesses, the name of the other Party's advisor, if any, and a list of witnesses the Hearing Panel plans to call.

The Title IX Coordinator will hold a pre-hearing conference with the members of the Hearing Panel. They will be provided with copies of the Formal Complaint, the Investigative Report, all evidence, the Parties lists of witnesses, and the name of the advisors, if any.

G. Hearing Location. The Parties are permitted to request to view the hearing room in advance of the hearing. Such requests should be directed to the Title IX Coordinator.

Section 7.02 The Hearing (What Happens During the Hearing).

All hearings under this Policy shall be live hearings. At the request of either party, the College will provide for the hearing to occur with the parties located in separate rooms with technology enabling the Hearing Panel and parties to simultaneously see and hear the party or witness answer questions.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

- A. Failure to Appear.** If the Reporting Party and/or the Responding Party fails to appear at the scheduled hearing, and such Party was provided proper notice of the hearing, then absent extenuating circumstances, the Chair of the Hearing Panel will direct the Hearing Panel to proceed with the hearing and determine the resolution of the Formal Complaint.
- B. Recording of the Hearing.** The College will audio record the actions of the hearing. This audio recording will be the property of the College. The parties may not record the proceedings and no unauthorized recordings are permitted. The parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

In order to comply with FERPA, Title IX, and other applicable laws, and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, any hearing held is not open to the public.

- C. Introductions and Explanation of Procedure.** The Chair explains the procedures and introduces the participants. At the hearing, the logistics are facilitated by a hearing facilitator who will be the Title IX Coordinator or designee. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc. The Chair of the Hearing Panel will resolve any questions concerning procedure or the admission of evidence or testimony.
- D. Testimony and Questioning.** At the live hearing, the Hearing Panel 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 live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the College to otherwise restrict the extent to which advisors may participate in the proceedings.

Only relevant cross-examination and other questions may be asked of a party or witness.

Before a Reporting Party, Responding Party, or witness answers a cross-examination or other question, the Chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious, or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

Even if a party or witness does not submit to cross-examination at the live hearing, the Hearing Panel may rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that

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

Whether a party or witness does or does not answer questions from the Hearing Panel, their statements will be admissible as long as they are willing to submit to cross examination questions, even if they are not asked such questions. The Hearing Panel may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

E. Participation. Participants in the hearing process must provide truthful testimony and may be subject to disciplinary action for failing to do so.

1. **Of the Reporting Party and Responding Party.** The Reporting Party and/or the Responding Party may request to testify in a separate room from the other Party. They may choose not to participate in the hearing or answer some or all questions posed by the Hearing Panel; however, their exercise of that option will not preclude the Hearing Panel from making a determination regarding the Formal Complaint.
2. **Of Witnesses and Order of Presentation.** The Hearing Panel will attempt to produce witnesses identified on the Hearing Panel's witness list first. The Parties shall have an equal opportunity to present any witnesses on their behalf. Parties are responsible for securing the attendance of those witnesses that are not identified on the Hearing Panel's witness list. After the Hearing Panel produces its witnesses, the Reporting Party will be given an opportunity to present their witnesses then the Responding Party will present their witnesses. Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator [or have proffered a written statement or answered written questions], unless all parties and the Chair assent to the witness's participation in the hearing.

F. Evidentiary Matters.

1. **Presentation of Evidence.** The Reporting Party and the Responding Party will have an equal opportunity to present evidence, including presenting witnesses, if available, and/or signed written statements from witnesses, and other documentary evidence. Formal rules of evidence will not be observed during the hearing.
2. **Standard of Evidence.** The standard of evidence applied to the hearing will be the preponderance of evidence standard (i.e., more likely than not).
3. **Specific Types of Evidence.**
 - a. **Written Witness Statements.** Live witness testimony is not required; however, the Hearing Panel has the discretion to give lesser weight to written witness statements than to live witness testimony. The Title IX Coordinator will provide a form for written witness statements that will include a signed verification that the information provided is true and to the best of the witness's knowledge.
 - b. **Evidence Regarding Past Sexual Histories.** The hearing does not consider questions and evidence about the Reporting Party's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Reporting Party's prior sexual behavior are offered to prove that someone other than the Responding Party committed the conduct alleged by the Reporting Party, or if the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Responding Party and are offered to prove consent.

- c. **Previous Disciplinary Action.** Previous disciplinary action of any kind involving the Responding Party may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process and is not shared until then.
- d. **Impact Statements.** The parties may each submit a written impact statement prior to the hearing for the consideration of the Hearing Panel at the sanction stage of the process when a determination of responsibility is reached.

G. Closing Statements. After all Parties and witnesses have been questioned, the Hearing Panel will determine whether there are any unresolved issues that may be clarified by the presentation of additional information. If so, the Chair of the Hearing Panel will suspend the hearing and reconvene it in a timely manner in order to receive such additional information. A suspension may not be based on the failure of witnesses to appear without good cause or on the proposed introduction of documents or other information that could and should have been submitted before the hearing.

Once the Chair of the Hearing Panel deems that all relevant evidence has been submitted, the Reporting Party and the Responding Party may make a closing statement. The Chair of the Hearing Panel may permit them a short recess to allow the parties an opportunity to prepare their closing statements.

If both the Reporting Party and the Responding Party choose to make a closing statement, the Reporting Party will make their statement first.

Section 7.03 The Outcome (What Happens After the Hearing).

A. The Decision of the Hearing Panel. Following the conclusion of the hearing, the Hearing Panel will determine whether the evidence establishes that it is more likely than not the Responding Party is responsible for having engaged in Sexual Harassment in violation of this Policy.

The written decision of the Hearing Panel will include the following:

1. Identification of the allegations potentially constituting Sexual Harassment;
2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the College's Code of Conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Responding Party, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and
6. The College's procedures and permissible bases for the Reporting Party and Responding Party to appeal.

A recommendation of expulsion or termination of employment must be a unanimous decision of the Hearing Panel. All other disciplinary outcomes must be by majority decision.

- B. Sanctions.** Possible sanctions depend upon the nature and gravity of the Sexual Harassment, any record of prior discipline for Sexual Harassment, and/or any record of prior discipline for violating the Student Code of Conduct. Sanctions may include, without limitation:

For students: referral to counseling, training, written reprimand, suspension, dismissal, expulsion from the College, disciplinary probation, expulsion from campus housing, and/or other educational sanctions as are deemed appropriate by the Hearing Panel.

For employees: training, referral to counseling, and recommending disciplinary actions such as warning, written reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, compensation adjustment, termination, and/or other employment sanctions as are deemed appropriate by the Hearing Panel.

In determining sanctions, the Hearing Panel will give consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation.

- C. Notice of Decision of Hearing Panel.** No later than ten (10) days from the date the Hearing Panel completes its written decision, the Title IX Coordinator will simultaneously provide the parties with a Notice of Outcome signed by the Chair of the Hearing Panel through the College-issued email address or otherwise approved account. Included with the Notice of Outcome will be a copy of the Hearing Panel's written decision and a Final Outcome Letter. The Final Outcome letter will set forth:

1. the violation(s) of this Policy for which "Sufficient Evidence" was determined, or a statement that indicated "Insufficient Evidence" for a violation of this Policy,
2. the sanctions imposed on the Responding Party, if any (setting forth only a description of the disciplinary action taken, the date of its imposition, its duration, and the rationale for such action),
3. final measures to be provided to the Parties, and
4. Information on when the results are considered to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The college, upon written request, disclose to the alleged victim of a crime of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the college against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offence, the next of kin of such victim shall be treated as the alleged victim.

- D. Prevention of Retaliation.** The Title IX Coordinator will also take steps, where necessary, to prevent potential harassment of or Retaliation against all Parties, such as informing them about how to report subsequent problems,

following up with them to ensure there are no subsequent problems, providing trainings for the school community, and providing Sexual Harassment or other counseling.

Furthermore, the Title IX Coordinator will take prompt corrective action if any Party experiences Retaliation or is subjected to further Sexual Harassment or if the original sanctions imposed on the Responding Party are ineffective to protect the safety and wellbeing of members of the College community. The Title IX Coordinator will also take reasonable steps to eliminate any hostile environment that has been created, such as conducting trainings and disseminating informational materials. In taking the above outlined steps, the Title IX Coordinator will make every reasonable effort to minimize the burden on the Parties.

ARTICLE VIII – APPEALS

Section 8.01 Appealing Supportive Measures.

Supportive measures may be appealed to the Title IX Coordinator, whose decision regarding their imposition will be final.

Section 8.02 Appealing the Dismissal or Non-Dismissal of a Formal Complaint.

The Reporting Party may appeal the Title IX Coordinator’s decision to dismiss a Formal Complaint, and the Responding Party may appeal the Title IX Coordinator’s decision not to dismiss a Formal Complaint. The appeal may be initiated by submitting a written appeal to the Vice President of Student Affairs (and providing a copy of the appeal to the Title IX Coordinator) within five days of receipt of the decision. The Title IX Coordinator will promptly inform the other Party of the appeal.

Within 15 days following receipt of the appeal absent extenuating circumstances, the Vice President of Student Affairs will make a determination as to whether the Formal Complaint should or should not have been dismissed. The Vice President of Student Affairs will notify the Reporting Party and the Responding Party concurrently of their decision.

Section 8.03 Appealing the Hearing Panel’s Written Decision.

Any Party may appeal the decision of the Hearing Panel and/or the sanction imposed. The decision of the Hearing Panel and the sanction imposed on the Responding Party may, if desired, be appealed simultaneously.

Aside from supportive measures instituted pursuant to Section 5.05, the Responding Party’s status will remain unchanged until the appellate process is final except in cases where sufficient evidence exists to demonstrate that the Responding Party is a danger to themselves or others.

A. Grounds for Appeal.

The Hearing Panel’s (or, if applicable, the Human Resources Officer’s) finding of evidence or lack of evidence may be appealed on the following grounds:

1. Procedural irregularities that affected the outcome of the matter;
2. 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;

3. The Title IX Coordinator, investigator(s), or Hearing Panel had a conflict of interest or bias for or against Reporting Party's or Responding Party's generally or the individual Reporting Party or Responding Party that affected the outcome of the matter; and
4. The severity of the sanction imposed is extraordinarily disproportionate to the gravity of the Sexual Harassment for which the Responding Party was found responsible.

B. Process.

1. **Filing an Appeal.** Appeals must be made in writing to the Title IX Coordinator within five days from the date of the Final Outcome Letter. The Title IX Coordinator will share the appeal with the appellate officer. The appeal must state the reason(s) for the appeal (from among those listed above), the facts supporting the appeal, and the recommended way to correct the error. The Title IX Coordinator will promptly inform the other Party of the filing of the appeal and provide a copy of the appeal.
 - a. Appellate Officer for Students: Vice President of Student Affairs
 - b. Appellate Officer for Employees: President of the College
2. **Initial File Review.** The appellate officer will begin by reviewing the Formal Complaint file (which includes but is not limited to the Formal Complaint, the Investigative Report, Hearing Panel's written decision, the Parties' written statements, and any transcripts or recordings of the hearing).
3. **Written Statements.** No later than ten (10) days from the date on which the non-appealing party receives a copy of the appeal, the parties may submit written statements supporting or challenging the outcome.
4. **Decision.**
 - a. **Regarding Responsibility.** If the Hearing Panel issued a finding of "Sufficient Evidence," the President may recommend (i) that the finding be affirmed or reversed, or (ii) that a new hearing be conducted. If the Hearing Panel issued a finding of "Insufficient Evidence" the President may recommend (i) that the finding be affirmed, or (ii) that a new hearing be conducted.
 - b. **Regarding Sanctions.** The President may recommend that the Hearing Panel's determination regarding sanctions be affirmed or overturned. If the President determines that the sanctioning decision of the Hearing Panel should be overturned, the President will find either (1) the final sanctions to be imposed on the Responding Party, which will not be subject to further appeal, or (2) that another hearing (or, if applicable, series of adjudicatory interviews) will be convened before the Hearing Panel for the sole purpose of considering sanctions, in which case the final sanctions set by the Hearing Panel and approved by the Title IX Coordinator will not be subject to further appeal. The Title IX Coordinator will notify the Reporting Party and the Responding Party concurrently of the decision.

5. **Notification.** Within fifteen days from the later of the date of the initial file review, the appellate officer’s receipt of additional written materials, or any appeal hearing, (or longer, if reasonably necessary), the appellate officer (or designee) will communicate their final decision simultaneously to the Reporting Party and the Responding Party.

ARTICLE IX – RECORDKEEPING

Section 9.01 Recordkeeping.

The College will maintain for seven years records of the following:

- A. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant 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 the Title IX Team.

For each response required under § 106.44, the College will create, and maintain for a period of seven 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 will 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 recipient in the future from providing additional explanations or detailing additional measures taken.

EXHIBIT A: RESOURCES AND CONTACT INFORMATION

The College’s first priority is to help you take steps to address your safety, medical needs and emotional well-being if you have been involved in an incident of sexual violence. You are encouraged to take the following actions regardless of whether you have made a decision about whether to pursue criminal or College disciplinary charges.

1. Ensure Your Physical Safety.

If you are in immediate crisis call 911.

Flagler College St Augustine:
Office of Campus Safety and Security
1 Malaga Street
(904) 819-6200

Flagler College Tallahassee:
TCC Police Department
TCC Main Campus, Center Building #9
(850) 201-6100

2. Seek Medical Assistance and Treatment.

Get medical attention as soon as possible after a sexual assault to determine the possibilities of physical injury, to prevent or treat sexually transmitted diseases, and, if applicable, to prevent pregnancy. Medical facilities can also screen for the presence of drugs given to you without your knowledge. Local options for medical care can be found on the next page.

You can immediately notify law enforcement of the incident or you may wish to maintain confidentiality while you consider what options to pursue. Regardless, it is advisable to have an evidence collection kit, free of charge, completed as soon as possible after the incident. You have the option of maintaining anonymity while you consider your options to report the incident to the police. The hospitals listed on the next page administer evidence collection kits.

In order to best preserve evidence for a collection kit, you should avoid showering, bathing, going to the bathroom or brushing your teeth before the kit is completed. You should also wear (or take with you in a paper – not plastic – bag) to the hospital the same clothing that you were wearing during the assault. An evidence collection kit can still be completed if you have showered or bathed. You may be accompanied to the hospital by a friend or other support person. A physician will briefly screen you, and a forensic nurse trained in evidence collection procedures will conduct the examination, collecting hair, fluid and tissue samples. The costs associated with evidence collection kits, including their administration, are paid by the State of Florida and are therefore free of charge.

3. Obtain Emotional Support

Counseling Services can assist as you begin the recovery process. Counselors are trained to provide crisis intervention on short-term and emergency issues. Counseling can also offer a referral to you for outside providers, law enforcement, and/or put you in touch with an advocate. Counseling is free of charge to all Students. In some instances, the law may require the disclosure of information shared by Students with counselors. However, absent such a legal mandate, counseling services are strictly confidential and will not be reported to other College personnel.

See below for the contact information for the Counseling services on each campus.

4. Obtain Information

You are encouraged to report incidents of Sexual Harassment to the College’s Title IX Coordinator even if you filed a report directly with law enforcement. College personnel can help you access resources and can provide you with support and information, including information on the College’s procedures for investigating and addressing instances of Sexual Harassment.

ST. AUGUSTINE CAMPUS

Mandatory Reporting Resources - *A Mandatory Reporting Resource is obligated to disclose any information about Sexual Harassment to the Title IX Coordinator.*

Title IX Coordinator Jessica Kobryn (904) 826-8553 Room 218, 2nd Floor of Student Center JKobryn@flagler.edu	Office of Campus Safety and Security (904) 819-6200 1 Malaga Street Security Officers are available 24/7 Security@flagler.edu
Human Resources (904) 819-6311 7 MLK Ave. humanresources@flagler.edu	CARE Team Coordinator Mary Tinlin (904) 819-6308 Care@flagler.edu www.flagler.edu/care

Dean of Students Dirk Hibler (904) 819-6336 Student Affairs Suite, Student Center DHibler@flagler.edu	Vice President of Student Affairs Everett Malcolm (904) 819-6238 Student Affairs Suite, Student Center Emalcolm@flagler.edu
All Faculty and Staff members with the exception of those included in the non-reporting resources.	

Non-Reporting Resources - *A non-reporting resource will not disclose information about Sexual Harassment to the Title IX Coordinator without the student's permission.*

Flagler College Counseling Center (904) 819-6305 65 Valencia St., Tinlin Cottage Counseling@flagler.edu 8:00 a.m. until 5:00 p.m. Monday through Friday while classes are in session	Flagler College Health Services (904) 819-6211 74 King St., located at the southwest side of the Ponce Breezeway healthservices@flagler.edu 7:00 a.m. until 4:00 p.m. Monday through Friday while classes are in session
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Community Resources - *Community Resources are organizations that are available in addition to on campus resources.*

St. Augustine Police Department 911 (Emergency) (904) 824-8304 (Non-emergency) 151 King Street, St. Augustine, FL	St. John's County Sheriff's Office 911 (Emergency) (904) 824-8304 (Non-emergency) 4015 Lewis Speedway, St. Augustine, FL
St. Augustine Beach Police 911 (Emergency) (904) 471-3600 (Non-emergency) 2300 A1AS, St. Augustine, FL	Flagler Hospital (904) 819-5155 (Emergency Department) 400 Health Park Blvd., St. Augustine, FL
Betty Griffin House Risk Crisis Center (904) 824-1555 www.bettygriffinhouse.org Assistance is available 24/7	Betty Griffin 24-hour Help Line (904) 824-1555
RAINN Sexual Violence Crisis Hotline 1-800-656-HOPE (4673)	RAINN National Sexual Assault Online Live Chat https://www.rainn.org/

TALLAHASSEE CAMPUS

Mandatory Reporting Resources - *A Mandatory Reporting Resource is obligated to disclose any information about Sexual Harassment to the Title IX Coordinator.*

Dean, Tallahassee Campus Dr. Wayne Riggs (850) 201-8071 WRiggs@flagler.edu	Tallahassee Community College Police Department (850) 201-6100 Security Officers are available 24/7
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All Flagler College Faculty and Staff members with the exception of those included in the non reporting resources.

Non-Reporting Resources - *A non-reporting resource will not disclose information about Sexual Harassment to the Title IX Coordinator without the student's permission.*

Tallahassee Community College Counseling Center
 (850) 201-7726
 TPP Building, Room 141
 Monday – Friday 8am – 5pm

Community Resources - *Community Resources are organizations that are available in addition to on campus resources.*

Tallahassee Police Department 911 (Emergency) (850) 891-4200 234 E 7th Ave, Tallahassee, FL	Leon County Sheriff's Office 911 (Emergency) (850) 606-3300 (Non-emergency) 2825 Municipal Way, Tallahassee, FL
Tallahassee Memorial Hospital (850) 431-1155 1300 Miccosukee Rd, Tallahassee, FL	Capital Regional Medical Center (850) 325-5000 2626 Capital Medical Blvd, Tallahassee, FL

Rape Crisis Center & Domestic Violence Agencies:

Refuge House (850) 681-2111 www.refugehouse.com	Refuge House 24-hour Help Line (850) 681-2111
RAINN Sexual Violence Crisis Hotline 1-800-656-HOPE (4673)	RAINN National Sexual Assault Online Live Chat https://www.rainn.org/

Outside resources on Title IX and your rights

The Office of Civil Rights' mission is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation's schools.

<https://www2.ed.gov/about/offices/list/ocr/index.html>

Know Your IX is a survivor and youth-led project of Advocates for Youth that aims to empower students to end sexual and dating violence in their schools.

<https://www.knowyourix.org/>

Title IX includes discrimination on the basis of pregnancy, childbirth, false pregnancy, miscarriage, abortion, or related conditions, including recovery.

<http://www.thepregnantscholar.org/>

EXHIBIT B: THE ROLE OF AN ADVISOR

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing panel.

A. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the College community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will be trained by the College and be familiar with the College's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the College, the Advisor may not have been trained by the College and may not be familiar with College policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

B. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney.

C. Advisors in Hearings/ College -Appointed Advisor

Under the U.S. Department of Education's Title IX regulations, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the College will appoint an Advisor who will do so, regardless of the participation or nonparticipation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Hearing Panel members during the hearing.

D. Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these

interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and College's policies and procedures.

E. Advisor Violations of College Policy

All Advisors are subject to the College policies and procedures regardless of whether they are an attorney or non-attorney. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address College officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator or Hearing Panel members except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

F. Sharing Information with the Advisor

The College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

Upon request, the Title IX Coordinator will provide a consent form that authorizes the Title IX Coordinator to share such information directly with their Advisor. The parties must both complete and submit this form to the Title IX Coordinator before the College is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, the College will not comply with that request.

G. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. Title IX Coordinator may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

H. Expectations of an Advisor

The College generally expects an Advisor to adjust their schedule to allow them to attend meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The Title IX Coordinator may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

I. Expectations of the Parties with Respect to Advisors

A Party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

EXHIBIT C: DEFINITIONS

- A. Advisor** means a person chose by a party or appointed by Flagler College to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- B. Coercion** is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- C. College Community** includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers.
- D. Complainant** See Reporting Party.
- E. Consent** means clear and unambiguous agreement, expressed in mutually understandable words or actions, to engage in a particular activity. Consent can be withdrawn by either Party at any point. Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviors that elicit emotional or psychological pressure, intimidation, or fear. Consent to engage in one sexual activity, or past agreement to engage in a particular sexual activity, cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity.

Consent cannot be validly given by:

1. A person who is Incapacitated;
2. A child under the age of 16, even if the other participant did not know the child's age;
3. A child who is at least 16 years of age and less than 18 years of age, if the other participant is 24 years of age or older;
4. Mentally disabled persons, if their disability was reasonably knowable to a person who is not disabled.

- 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 Reporting Party. The existence of such a relationship shall be determined based on the consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- G. Day** means a Flagler College business day, unless otherwise specified.
- H. Directly Related Evidence** is evidence connected to the complaint but is neither inculpatory nor exculpatory and will not be relied upon by the investigation report.
- I. Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Florida.
- J. Education Program or Activity** means locations, events, or circumstances over which Flagler College exercises substantial control over both the Responding Party and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.
- K. Education Record** has the meaning assigned to it under FERPA
- L. Employee** is a person employed by Flagler College regardless of whether they are at-will or employed pursuant to a contract.
- M. FERPA.** The Family Educational Rights and Privacy Act ("FERPA") is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 C.F.R. 99. FERPA protects the privacy of student education records. FERPA grants to parents or eligible students the right to access, inspect, and review education records, the right to challenge the content of education records, and the right to consent to the disclosure of education records.
- N. Formal Complaint** means a document submitted or signed by a Reporting Party or the Title IX Coordinator requesting that Flagler College investigate the allegation(s).
- O. Force** is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").
- Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
- P. Hearing Panel** means the individuals selected from the Sexual Harassment Board, to include three faculty and/or staff members (none of whom shall be from the same academic department or office as the Reporting Party or the Responding Party, if applicable), to conduct a hearing on a Formal Complaint under this Policy. The Hearing Panel is considered the decision-maker.
- Q. Hostile Environment** exists when Sexual Harassment is so severe, persistent, or pervasive as to deny or limit a student's or employee's ability to participate in or benefit from the school's programs or activities.

- R.** **Incapacitated** means lacking the physical and/or mental ability to make informed, rational judgments. Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of the policy. The question of what the responding Party should have known is objectively based on what a reasonable person in the place of the responding Party- sober and exercising good judgement- would have known about the condition of the reporting Party.
- S.** **Informal Resolution** See Section 6.02.
- T.** **Investigator** is an impartial person designated by the Title IX Coordinator to investigate a Formal Complaint.
- U.** **Parties** refers to the Reporting Party and the Responding Party.
- V.** **Party** refers to either the Reporting Party or the Responding Party.
- W.** **Public Awareness Events** are events or public forums in which students may disclose incidents of Sexual Harassment. Examples can include Take Back the Night, candlelight vigils, and survivor speak outs.
- X.** **Reporting Party** is a person who has provided the College with a Formal Complaint of alleging Sexual Harassment against a Responding Party.
- Y.** **Respondent** See Responding Party
- Z.** **Responding Party** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- AA.** **Responsible Employee** is defined in Section 2.02.
- BB.** **Retaliation** means any adverse action threatened or taken against a person because they have filed, supported, or provided information in connection with an allegation of Sexual Harassment, including but not limited to intimidation, threats, and harassment.
- CC.** **Sexual Assault** means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which are as follows:
- any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.
- Rape** — (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- Sodomy** — 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 his/her age or because of his/her temporary or permanent mental or physical incapacity
- Sexual Assault With An Object** — To use 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 his/her age or because of his/her temporary or permanent mental or physical incapacity

Fondling — The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Incest — Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape — Nonforcible sexual intercourse with a person who is under the statutory age of consent

DD. Sexual Harassment means conduct on the basis of sex/gender that includes one or more of the following:

1. An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "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).
 - a. Sexual assault, dating violence, domestic violence, and stalking are defined in this policy

EE. Sexual Harassment Board is a standing group composed of Employees who are specially trained to handle cases involving Sexual Harassment.

FF. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

GG. Student is an individual who is either:

1. registered to be enrolled or is currently enrolled at the College on a full-time basis, or
2. Registered to be enrolled or is currently enrolled at the College on less than a full-time basis and is not employed by the College. (For the avoidance of doubt, an individual who is employed by the College through a work-study or similar program is not considered to be "employed by the College" for purposes of this definition.)

HH. Supportive Measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Reporting Party or Responding Party 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, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

- II. Third Party** is a person who is not the Reporting Party or Responding Party.

- JJ. Title IX Coordinator** is the Flagler College employee responsible for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX. Contact information can be found in Exhibit A of this Policy.

- KK. Vendor/Contractor** is a person or entity not employed by Flagler College who has a contract with or otherwise performs services for the College.

Flagler's educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct.
- Using definitions provided both by the Department of Education as well as state law, define what behavior constitutes domestic violence, dating violence, sexual assault, and stalking.
- Define what behavior and actions constitute consent to sexual activity in the state of Florida and/or using the definition of consent found in Exhibit B (c) of the College's Sexual Misconduct Policy.
- Provide a description of safe and positive options for bystander intervention.
- Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provide an overview of information contained in the Annual Security & Fire Safety Report in compliance with the Clery Act.

These programs, designed to promote the awareness and prevention of sexual misconduct, are presented by a variety of campus resources including New Student Orientation, Health Services, peer educators and other Flagler students, the Office of Campus Safety & Security, and on-line training for all faculty and staff.

The College also promotes participation of student groups in prevention activities through training provided by Residence Life, Athletics, and Student Services among others. Prevention programs stress the added risks involved when the use of alcohol and/or illegal drugs is present.

Incoming first-year students, as part of their orientation, attend programs that cover the topic of sexual violence given by the Office of Residence Life. Flyers about sexual misconduct and sexual harassment are posted in residence halls.

The educational programs review strategies for prevention and inform faculty, staff and students of options and resources available should such misconduct or harassment occur.

INVESTIGATIVE AND DISCIPLINARY PROCEDURES: STUDENTS, FACULTY, AND STAFF

Disciplinary Procedures: The College strives to maintain high standards of personal conduct and ethics. These standards are expressed in rules, regulations and policies which the College has adopted to maintain order on campus, to promote student safety and welfare, to foster civility and respect among constituents and to further the College's purpose, goals and values. In some instances, the rules, regulations and policies may limit certain activities and proscribe behavior that is detrimental to the orderly operation of the institution and to the pursuit of its goals. All students are charged with knowledge of these rules as stated in the Catalog and in the Student Handbook and are required to comply with them.

Under the College's disciplinary procedures, their rights are not as extensive as those of a defendant in a criminal prosecution in a court of law. Moreover, the disciplinary procedures at Flagler may differ somewhat from those at colleges and universities, especially with respect to a student's due process rights in disciplinary proceedings at public institutions. The College's disciplinary procedures are intended to provide an expeditious, administratively practical but fundamentally fair process for resolving contested disciplinary cases in the context of a private, traditional institution of higher education, where the institutional interest in upholding high standards of conduct, maintaining order on campus and protecting the health, safety and

welfare of the student body must be balanced against ensuring the rights of the accused. By enrolling at Flagler, students accept the College disciplinary process as fundamentally fair and agree to abide by its disciplinary policies and procedures, as stated in the Student Handbook and as they may be amended from time to time.

Grievance procedures with regard to sexual harassment, sexual assault, or sexual battery, will be provided by the Title IX Coordinator. Referral back to these Disciplinary procedures may be part of the process.

Review and Referral: The Dean of Students reviews disciplinary complaints for appropriate disposition. If there is a possibility that a student may be suspended, dismissed or expelled from the College, the case is deemed to involve a major infraction. In such cases, the student is given a choice between an administrative hearing conducted by the Dean of Students or a hearing conducted by the College Disciplinary Committee. The Dean may refer less serious complaints to the Student Judiciary Council or dispose of them without formal proceedings by issuing a verbal warning or written reprimand.

Administrative Disposition: If the student who is charged with a major violation does not contest the charge, the student may elect to have an administrative hearing conducted by the Dean of Students. In choosing this option, the student waives his/her right to contest the charges at a disciplinary hearing and forfeits other rights afforded in the hearing process. The Dean of Students takes such disciplinary action as may be appropriate. The Dean's decision is not subject to appeal.

The hearing procedures outlined below do not apply when a student does not contest the charges and agrees to have an administrative hearing conducted by the Dean of Student Affairs.

College Disciplinary Committee: The College Disciplinary Committee reviews cases involving major violations of College rules and regulations (e.g., those involving the possibility of suspension, dismissal, or expulsion), determines the guilt or innocence of the accused, and makes recommendations regarding the disciplinary actions that should be taken by the College. The Committee reports its findings and recommendations to the Dean of Students for his/her review and consideration.

The College Disciplinary Committee shall consist of five individuals: two staff members appointed by the President, two faculty members appointed by the Dean of Academic Life (upon the recommendation of the Faculty Senate), and one student appointed by the Vice President of Student Affairs.

In general, cases involving the possibility of suspension, dismissal or expulsion are referred to the College Disciplinary Committee for hearing. However, the Dean of Students will conduct a hearing when cases occur during the summer session, or during the vacations or breaks between terms. For purpose of this provision, a case is deemed to be initiated when the Office of Student Affairs gives the student formal written notice of the charges. Flagler College Student Handbook 2022 -2023 50

College Continuation Committee: Matters referred to the College Continuation Committee may be of an academic or disciplinary nature and also may involve behavioral, social or emotional problems, which call into question their continuing enrollment at Flagler.

In these instances, the Vice President of Student Affairs, in consultation with the Dean of Academic Life, shall appoint an ad hoc College Continuation Committee to hear the case and to recommend appropriate action. The ad hoc committee may recommend to the Vice President of Student Affairs

such action as probation, suspension, dismissal, expulsion, voluntary withdrawal, or other stipulations. The Dean of Academic Life's decision is not subject to appeal.

Disciplinary Hearing Procedures: Under the foregoing guidelines, the College Disciplinary Committee, the College Continuation Committee, the Vice President of Student Affairs, and the Dean of Students all have occasion to conduct disciplinary hearings in contested cases, which may result in a student being suspended, dismissed, or expelled from the College.

The College endeavors to follow its procedures in contested disciplinary cases. It should be understood, however, that the procedures for disciplinary hearings are not intended to mirror the procedures found in a court of law. Representation by counsel; confrontation and cross-examination of witnesses; discovery and appeals beyond the Vice President of Student Affairs are not allowed. The focus of disciplinary hearings is not on process and or procedure; rather, hearings are conducted to determine whether or not a student has committed a serious violation of the rules of conduct.

The basic procedures in such cases are as follows:

1. The student is given written notice of the charges. The written notification shall include:
 - a. the nature of the hearing and the hearing body;
 - b. the specific charges of complaint; and
 - c. the date, time and place of the hearing.
2. During the hearing the accused student has the opportunity to respond to the charges and to present evidence and witnesses on their behalf. However, evidence may be rejected if it is deemed immaterial, cumulative or otherwise unworthy of consideration.
3. In hearings conducted by the College Disciplinary Committee, the Committee makes a recommendation as to the guilt or innocence of the student and, if appropriate, as to what disciplinary action should be taken. The Committee reports its findings and recommendation(s) to the Dean of Students. After due consideration of the Committee's findings, the Dean shall determine guilt or innocence and, if appropriate, shall take disciplinary action.
4. In hearings conducted by the Dean of Students, the Dean investigates the matter, listens to the accused, considers the evidence presented and makes a decision about the guilt or innocence of the accused.
5. In hearings before the College Continuation Committee, the Committee makes recommendations on the advisability of allowing the student to remain enrolled at the College. The Committee may make other recommendations, as may be appropriate, including guilt or innocence and disciplinary action where infractions of rules, regulations or requirements are involved.

If the matter is academic in nature (e.g., failure to attend class, incivility toward the instructor or students in class, disruptive behavior in class, etc.), the Committee shall report its findings and recommendation(s) to the Dean of Academic Life. If the matter is non-academic in nature (e.g., social, behavioral, emotional, psychological, etc.), the Committee shall report its findings and recommendation(s) to the Dean of Students. After due consideration of the College Continuation Committee's findings and recommendations, the Dean of Students or the Dean of Academic Life shall determine guilt or innocence and, if appropriate, shall take

disciplinary action. The Dean of Students or the Dean of Academic Life shall notify the student in writing of the disposition of the charges and any disciplinary action. The Dean of Academic Life or the Vice President of Student Affairs will handle appeals of the decision(s) rendered upon the recommendation(s) of the College Continuation Committee.

6. The Dean of Students shall notify the student in writing of the disposition of the charges and any disciplinary action.

7. The student has the right to appeal any adverse decision to the Vice President of Student Affairs. Such appeals must be in writing and submitted 48 hours after the notice of disposition is delivered to the student. The Vice President of Student Affairs will conduct his/her own investigation into the matter, will confer with the Dean, and will meet with the accused student. After considering the evidence, the Vice President of Student Affairs will make a decision on the appeal. The Vice President may uphold the decision of the Committee and the Dean; may modify the decision of the Committee and the Dean; or may approve their appeal. The decision of the Vice President of Student Affairs is final.

All hearings are closed to the public. Committee members, administrators and staff, keep the content of all hearings confidential. The names of those involved will not be made public.

The College reserves the right to modify the foregoing procedures in response to the exigencies and circumstances of a particular case.

8. The college will, upon written request, disclose to the alleged victim of any crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the college against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

The term "crime of violence" means:

- a) An offense that has as an element the use, attempted use or threatened use of physical force against the person or property of another, or
- b) Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

The final results of any disciplinary proceeding:

- i. Shall include only the name of the student, the violation committed and any sanction imposed by the institution on that student; and
- ii. May include the name of any other student, such as a victim or witness, only with the written consent of that other student.

9. Flagler College reserves the right to summarily suspend a student prior to hearing when such action is deemed necessary. The student must leave campus as instructed. The student will be notified of the hearing date.

1. The College reserves the right to modify the foregoing procedures in response to the exigencies and circumstances of a particular case. The College endeavors to follow the foregoing procedures in contested disciplinary cases. However, it should be understood that it is not intended that College disciplinary boards and officials adhere to the procedures of a court of law. Representation by counsel, confrontation and cross-examination of witnesses, discovery and appeals beyond the Vice President of Student Affairs are not allowed. The focus is not process and procedure, but rather whether or not the student has committed a serious violation of the rules of conduct. Accordingly, it is unlikely that the Vice President of Student Affairs will reverse a disciplinary decision on appeal because of procedural technicalities, unless it appears they resulted in the student being found guilty of an offense he or she did not commit.

Summary Suspension: Flagler College reserves the right to summarily suspend a student prior to a hearing when such action is deemed necessary. The student must leave campus, as directed. The student will be notified of the hearing date.

Types of Disciplinary Action: There are five general types of disciplinary action that may be imposed by the College: reprimands, probation, suspension, dismissal and expulsion. Each type of disciplinary action is explained below.

Reprimands: The Dean of Students may issue reprimands notifying a student or students of possible misconduct or violation of College rules or regulations. Reprimands may be issued verbally; however, a written record of reprimands shall be placed in their file in the Office of Student Affairs and may be included in any subsequent proceedings of related or unrelated offenses.

Probation: There are two types of probations — General and Restrictive. Probation usually involves constructive guidelines intended to motivate the student to comply with College regulations and to promote both academic success and social adjustment.

a) General Disciplinary Probation: When a violation requires more than a letter of reprimand, the student will be placed on General Disciplinary Probation.

b) Restrictive Disciplinary Probation: Restrictive Disciplinary Probation results in the loss of good standing and is placed in the Student Confidential file in the Office of Student Affairs. Restrictive Disciplinary Probation may include, but is not limited to, residence hall restrictions, campus restrictions, activity restrictions, and club/organization restrictions. Restrictions are in effect for the stated probationary period.

Suspension: A student involved in a serious violation of College rules or regulations or in repeated incidents of misconduct may be suspended. The length of the suspension period will be clearly defined and may extend from the remaining days in a semester to a number of semesters. A suspended student is prohibited from being on the College campus except by scheduled appointment for official business. After the suspension period is completed, the student will be allowed to resume his/her enrollment at the College. Depending on the circumstances, the student may or may not be placed on probation. Suspension will become a part of their permanent record until the time of the suspension is completed, at which point it will be removed from the record.

Dismissal: In instances wherein, the College does not wish to specify a definite period of suspension, the term “dismissal” rather than “suspension” will be applied. A dismissal entails the possibility of appeal and readmission to the College under appropriate circumstances at

a later date. A review of their records will be undertaken before re-enrollment is approved. "Dismissal" will become a part of their permanent record.

Expulsion: When a violation is so severe that the College will not allow the student to remain enrolled or be readmitted, the student will be expelled. When a student has been expelled from the College for disciplinary or academic reasons, a full report will be placed in their file and become part of their permanent record.

Finality: Flagler College grants students the privilege of attending the institution on the condition that they accept and abide by its rules, regulations, policies and procedures. It is the policy and practice of the College to internally resolve all disciplinary cases involving violations of rules and regulations. As stated previously, in contested cases involving major infractions, a student has the right to appeal adverse decisions (e.g., suspension, dismissal or expulsion) to the Vice President of Student Affairs. The decision of the Vice President of Student Affairs on those appeals is final, conclusive and binding. A disciplinary decision is not subject to any other appeal, judicial review or collateral attack in court. By accepting the privilege of attending Flagler, students agree to abide by all rules and regulations and agree to accept disciplinary decisions against them, subject only to the prescribed appeal to the Vice President of Student Affairs. Students waive any right to redress in court and agree and covenant not to sue the College on account of disciplinary action.

Financial Refund: In all cases involving suspension, dismissal or expulsion, no financial refunds will be made by the College, and their account is due and payable.

PRIMARY AND ONGOING PROGRAMS FOR PREVENTION AND AWARENESS

During CY 2022, the following programs and activities were presented:

- All incoming students were required to complete a training module for sexual assault prevention (EVERFI) and the module was available for any student to participate in the training (January 2022, August 2022).
- All incoming students were provided with the location of the Sexual Harassment Policy, Title IX resources, and the contact information of the Title IX coordinator in writing (January 2022, August 2022).
- Education programs conducted throughout the year on the West Lawn by the Title IX Office, various student clubs, and the Student Government Association to raise awareness of sexual assault and misconduct and ways to reduce and respond to it (ongoing).
- Over 15 classroom presentations and discussions on sexual assault prevention, and the sexual misconduct policy (ongoing).
- Title IX trifold brochure, distributed to all incoming students, faculty and responsible employees and available throughout the year in numerous public locations on campus, with information on reporting sexual misconduct to the College and/or legal authorities and resources available to victims.
- Title IX perforated card was distributed to all faculty and staff to help them through difficult conversations and ensure students walked away with a tangible outline of their resources.
- Title IX training conducted by the Title IX Coordinator for all full-time and adjunct faculty with emphasis on their obligation, as responsible employees, to report to the Title IX Coordinator any incidents of sexual misconduct of which they become aware (January 2022, August 2022).
- Title IX training made available by the Title IX Coordinator for all staff departments on campus to highlight their specific interactions with students and their obligation to report.
- Resident Advisor training programs addressing sexual misconduct and harassment, resident advisors' responsibilities as mandatory reporters, and resources available on campus and in the local community to victims of sexual misconduct (January 2022, August 2022 and ongoing).

- “Every 13th at 3pm” event focused on being available for students to talk to the Title IX Coordinator (ongoing)
- Partnered with the Betty Griffin Center to provide community resources to students (ongoing).
- Partnered with Betty Griffin Center to provide Title IX training to their sexual assault advocates (ongoing).
- Conducted a variety of workshops targeted toward awareness and prevention efforts (ongoing)
- Active campus chapter of It’s On Us to combat campus sexual assault and bring awareness (ongoing)

Date	Activity	Target Audience	Estimated Participants
1/24/2022	Cultivating Equity with the Office of Diversity, Equity, & Inclusion	Students, Staff, Faculty	129
1/25/2022	Decolonizing Mental Health with the Counseling Center	Students, Staff, Faculty	24
1/26/2022	Saints Supporting Saints: Diversity, Inclusion, & Belonging for Staff & Faculty	Staff, Faculty	27
1/27/2022	Drag-Bingo & Walkthrough Pride	Students, Staff, Faculty	174
2/14/2022	Donut Forget Consent	Students, Staff, Faculty	46
2/16/2022	Let's talk about LOVE	Students, Staff, Faculty	6
3/2/2022	Meet the Betty Griffin Center	Students, Staff, Faculty	50
3/8/2022	Silence of the Lambs: Examining Clarice	Students, Staff, Faculty	16
3/22/2022	Menstrual Cycle Product Drive Tabling	Students, Staff, Faculty	50
3/23/2022	Meet the Betty Griffin Center	Students, Staff, Faculty	40
4/6/2022	Sexual Assault Awareness Month Kick Off Event	Students, Staff, Faculty	400
4/7/2022	Tackling Antisemitism	Students, Staff, Faculty	12
4/12/2022	Sexual Assault Awareness and Survivor Support	Students, Staff, Faculty	3
5/2/2022	Hate Ends Now Tabling	Students, Staff, Faculty	50
5/2/2022	The Cattle Car Experience - Traveling Holocaust Museum	Students, Staff, Faculty	19
5/6/2022	Lavender Graduation	Students, Staff, Faculty	85
5/6/2022	Taking a Moment: Tools for Difficult Conversations with Dr. Lisa Van Zwoll	Staff, Faculty	9
6/3/2022	Saints Supporting Saints Lunch #3	Staff, Faculty	10
8/16/2022	MH Outreach	Womens basketball	25
8/19/2022	Hall Parties	Incoming Students	31

8/20/2022	Hall Parties	Incoming Students	24
8/29/2022	5-Star Opening of Halls	Incoming Students, Faculty, Staff	5
8/30/2022	Tuesday Talk-H & W Services	All students	5
9/6/2022	Water Pong and Popcorn	Current Students	19
9/9/2022	MH Outreach	Womens Tennis	8
9/13/2022	Pet Rock Adoption	Current Students	55
9/16/2022	H & W Overview/Programs	Admissions Staff	10
9/19/2022	Talk Like a Pirate	Current Students	22
9/20/2022	Tuesday talks -Meditation	All students	5
9/20/2022	Study Night Proctor Library	All students	10
9/21/2022	Mingle and Make	Current Students	3
9/21/2022	Tuesday Talk - Benefits of Exercis	All Students	25
9/21/2022	Tuesdau Talk - Substance Abuse	All students	5
9/22/2022	Contraceptives and Cupcakes	Current Students	7
9/22/2022	Ice Cream and Vision Boards	Current Students	7
9/26/2022	Tote Bag Painting	Current Students	28
9/27/2022	Memorial Service for Faculty Death	All students	50
10/4/2022	Grind Culture presentation	All students	22
10/12/2022	Domestic Violence Awareness Tabling	Students, Staff, Faculty	50
10/13/2022	Fall Festival	Current Students	20
10/18/2022	Silence of the Lambs: Examining Clarice	Students, Staff, Faculty	5
10/19/2022	Alochol Education and Ice Cream	Current Students	36
10/20/2022	Taylor Swift Album Release	Current Students	129
10/24/2022	Halloween Movie Interpretations	Current Students	8
10/24/2022	Mental Health Peer Support in College	CC staff	6
10/25/2022	Saints Supporting Saints: Disability Resources	Students, Staff, Faculty	25
10/26/2022	Domestic Violence Awareness Tabling	Students, Staff, Faculty	50
10/26/2022	Saints Supporting Saints: Disability Resources	Staff, Faculty	4
10/26/2022	Pumpkin Painting	Current Students	3
10/27/2022	Trick or Treat with FSDB	Current Students, FSDB	57
10/31/2022	Halloween Festival	Current Students	8
11/2/2022	Saints Supporting Saints: Deaf Accessibility	Staff, Faculty	20
11/3/2022	RHA Pool Party	Current Students	3
11/4/2022	ZOOM Parent's Leadership Presentation - Navigating thte return for the holidays	PLC Parents	15
11/8/2022	Accessibility for Students with Autism Spectrum Disorder	Staff, Faculty	25
11/9/2022	Betty Griffin Center Tabling	Students, Staff, Faculty	50

11/14/2022	Study Night	Current Students	6
11/15/2022	Sunset Yoga	Current Students	7
11/15/2022	H & W Overview/Programs	Golf Teams	15
		Students, Staff,	
11/16/2022	Healthy Relationships Workshop	Faculty	5
11/28/2022	Sand Volleyball	Current Students	1
11/28/2022	Study Night	Current Students	41
11/29/2022	Coco and Community	Current Students	19
11/29/2022	Do you know your holidays	Current Students	14
		Students, Staff,	
11/30/2022	Betty Griffin Center Tabling	Faculty	40
11/30/2022	Study Night	Current Students	15
12/1/2022	Hot Chocolate	Current Students	10
	DeStress Day - Chair Massages & Therapy		
12/1/2022	Dogs	All students	100
		Students, Staff,	
12/5/2022	Good Luck on Finals from Betty Griffin Center	Faculty	40
	Webinar: Student Leadership & Self Care:		
12/7/2022	Strategies for student success	Student Affairs staff	10

RISK REDUCTION

College campuses can give you a sense of security—a feeling that everyone knows each other and watches out for one another. There are perpetrators who take advantage of this feeling of safety and security to commit acts of sexual violence.

We can all take steps to increase safety on college campuses. As bystanders, students can learn ways of stepping in to prevent crimes like sexual assault from occurring. When it comes to personal safety, there are steps you can take as well, and some of those tips are outlined below. No tips can absolutely guarantee safety—sexual violence can happen to anyone, and it's not the only crime that can occur on a college campus. It's important to remember that if you are sexually assaulted on campus it is not your fault—help and support are available.

Increasing on-campus safety. The following tips may reduce your risk for many different types of crimes, including sexual violence.

Know your resources. Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center and campus security. Program the campus security number into your cell phone for easy access.

Stay alert. When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.

Be careful about posting your location. Many social media sites, like Facebook, Instagram and Snapchat, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.

Make others earn your trust. A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.

Think about Plan B. Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your residence hall memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?

Be secure. Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the residence hall or apartment, tell security or a trusted authority figure.

Safety in social settings

It's possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

Make a plan. If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.

Protect your drink. Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.

Know your limits. Keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more intoxicated than you should, you may have been drugged. Leave the party or situation and find help immediately.

It's okay to lie. If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.

Be a good friend. Trust your instincts. If you notice something that doesn't feel right, it probably isn't.

For more information, please visit www.flagler.edu/title-ix or www.rainn.org

BYSTANDER INTERVENTION - HOW TO BE AN ACTIVE BYSTANDER

Bystanders play a critical role in the prevention of sexual and relationship violence. They are *"individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it."*

We want to promote a culture of community accountability at Flagler College where bystanders are actively engaged in the prevention of violence without causing further harm. While the Office of Safety & Security and the TCC Police may offer advice and assistance regarding campus safety, all members of the campus community are encouraged to take responsibility for their own safety and, when possible, assist others through Bystander Intervention.

We may not always know what to do even if we want to help. If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

Below is a list of some ways to be an active bystander.

1. Watch out for your friends and fellow students/employees. Notice a situation. If you see someone who looks like they could be in trouble or need help, ask if they are okay.
2. Interpret the situation as someone is in danger or there is a potential for danger. Many situations are ambiguous. It's okay if you're wrong and it's not an emergency.
3. Assume responsibility to help. Decide that YOU personally should do something to help the victim or that if you don't help, no one will.
4. Know how to help. Try Bystander Intervention Techniques (see some examples below).
5. Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
6. Speak up when someone discusses plans to take sexual advantage of another person.
7. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
8. Refer people to the on or off campus resources listed in this report for support in health, counseling, or with legal assistance.

Bystander Intervention Techniques:

- **Distract** - Ask for directions. Spill a drink. Engage them in conversation. Women: Invite the female to go to restroom with you – once there, ask if she needs help.
- **Delegate** - Involve others if you don't feel safe intervening alone. Ask friends to help you distract or confront. Find the person at risk's friends and tell them you are concerned about the safety of their friend.
- **Direct** - Directly confronting the situation (think about how you would directly stop someone from driving drunk)...“I don't like how you treat your girlfriend [or wife] – it's abusive and needs to stop.” Offer to help find an intervention program. “I'm getting her friends to take her home now.”

SEX OFFENDER REGISTRY

The federal Campus Sex Crimes Prevention Act (Public Law No. 106-386 §1601), which went into effect on October 28, 2000, requires each state to provide information regarding registered sex offenders to the local law enforcement agency with jurisdiction where an institution of higher education is located.

The law also requires institutions of higher education to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained.

Florida state law requires a person designated as a sexual predator or offender to register with the Florida Department of Law Enforcement (FDLE). The FDLE is then required to notify the local law enforcement agency where the registrant resides, or attends or is employed by an institution of higher learning. For more information, visit Florida's sexual offender and predator homepage at <https://offender.fdle.state.fl.us/offender/sops/home.jsf>.

EMERGENCY NOTIFICATION SYSTEM

The College's Emergency Notification System (Omnilert) serves as both an emergency communication method and a way of communicating specific situations to the campus community in a timely manner. The system should be considered an emergency communications tool, and as such will only be utilized for active threats, that is, when the safety of the entire campus, or a large portion of it, are threatened.

The system is also used for events or occurrences that, although not rising to the level of an emergency, could still impact the campus in a negative way, to include a series or pattern of crime (criminal mischief to or thefts from vehicles in campus parking lots) occurring within a short timeframe, campus closures and College-wide class cancellations, and incidents such as prolonged power or system outages that could severely impact normal College operations.

In the event of such incidents or occurrences, the College will issue such an emergency notification or, if appropriate, a "timely warning" to students, faculty and staff about the emergency situation or crime occurring on or proximate to the campus when those situations or crimes are determined to represent a potential threat to their safety and if self-protective actions should be taken, regardless of whether or not the alleged victim and/or perpetrators are members of the College community.

Once the Director of Safety & Security determines that there is a significant emergency or dangerous situation involving an immediate threat, the Director, conferring with the Vice President of Student Affairs and the Director of News & Information, shall notify the campus community without delay. Where appropriate, the Vice President of Student Affairs and the Director of Safety & Security will determine the segment(s) of the College to receive a notification.

Following confirmation of the emergency, the Vice President of Student Affairs and the Director of Safety & Security will without delay determine what the notification shall contain and initiate the notification, unless the Director of Safety & Security determines that to do so would compromise efforts to assist a victim or contain, respond to or otherwise mitigate the emergency, or hinder ongoing law enforcement efforts.

Omnilert

Omnilert is a mass notification system that sends out emergency safety alerts to students, parents, staff and faculty. These alerts arrive in the form of text and email messages. Essential to the success of the Omnilert notification system is the providing of accurate cell phone numbers and email addresses upon enrollment/employment at the college. These alerts will notify of potentially dangerous situations. Generally, Omnilert notifications will be brief and direct recipients to the College's email system or emergency website (<http://emergency.flagler.edu/>) for additional information and/or updates.

TCC Alert

TCC ALERT is the official emergency notification system for the Tallahassee Community College, which hosts Flagler-Tallahassee. During an emergency, Flagler-Tallahassee students, faculty, and staff should access the Alerts webpage to track the most current situational information.

We strongly urge all Flagler-Tallahassee students, faculty and staff to subscribe to TCC ALERT to receive emergency notifications at www.tcc.fl.edu/about/college/administrative-services/campus-police/emergency-management/tcc-alert/.

Outdoor Warning Sirens

Flagler-St. Augustine and Flagler-Tallahassee have outdoor warning sirens on the main campuses. During an emergency, Flagler College and Tallahassee Community College may choose to sound the sirens. The siren alert tones, which are very loud and distinct, may include verbal directions and should be easily heard by anyone who is outdoors on either campus.

The emergency notification system is tested annually on an unannounced basis.

TIMELY WARNING

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Safety & Security, constitutes an ongoing or continuing threat to the campus community, a campus wide "timely warning" will be issued in a timely manner. A timely warning alerts the campus to certain Clery Act crimes and aids in the prevention of similar occurrences, but withholds the names of victims as confidential.

Timely warnings will be issued through the College's emergency notification system called *LiveSafe*, which is described below. In such instances, timely warnings disseminated through the College email system and/or posted to the College website will report that an incident has occurred, issue brief instructions about self-protective measures to be taken immediately, and reference where additional information will be posted as it becomes available. A copy of the notice may also be posted in each residence hall or on the front door of other buildings which may be affected by the particular criminal threat.

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

The Flagler College Comprehensive Emergency Management Plan (CEMP) serves as a guideline for College personnel on the St. Augustine campus when planning for, responding to, and recovering from any disaster or emergency situation that could or does affect the College. The CEMP sets forth an operational structure and outlines basic operational procedures that direct those individuals and departments that may be called upon to assist in an emergency response.

The CEMP is applicable to any man-made and natural disaster, including, but not limited to floods, hurricanes, earthquakes, power failures, hazardous material releases, civil disturbances, and active shooter situations.

Because of the unpredictable nature of emergencies, the CEMP is organized according to *general* detection, notification, and response guidelines. Sections of the Plan contain specific response strategies— Incident Specific Emergency Plans—pertinent to specific kinds of emergencies where appropriate.

It is recognized that no plan can cover all contingencies. Therefore, the College Incident Commander (the Vice President for Business Services and members of the Emergency Response Team possess authority to employ strategies not specified in the CEMP commensurate with their responsibility to protect life and property.

The maintenance of resource information in the Plan is the responsibility of the Director of Safety & Security and is verified on an annual basis.

The College Incident Commander or an Emergency Response Team member shall monitor the immediate response of external emergency assistance (*e.g.*, Police, Fire, Ambulance) based on the circumstances of the emergency; direct the deployment of all appropriate College resources (*e.g.*, Facilities Management, Student Affairs); and evaluate the need for additional outside assistance from private and governmental entities based on the circumstances of the emergency conditions (*e.g.*, housing, transportation, environmental hazard, etc.).

The Flagler College CEMP incorporates the use of the National Incident Management System (NIMS) model according to FEMA guidelines for institutions of higher education, enabling a coordinated response and unity of command in the event of a critical incident on campus.

RESPONSE TO AN ACTIVE SHOOTER INCIDENT

An “active shooter” is an individual who is engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms(s) and there is no pattern or method to their selection of victims. Victims are often selected at random. Since this type of event is unpredictable and evolves very quickly, knowing what to do can save lives. Everyone should have a plan.

When an Active Shooter is in your vicinity, you must be prepared both mentally and physically to deal with the situation. If YOU are in the area of an Active Shooter...

RUN

- Have an escape route and plan in mind.
- Leave your belongings behind.
- Evacuate regardless of whether others agree to follow.
- Help others escape, if possible.
- Do not attempt to move the wounded.
- Prevent others from entering an area where the active shooter may be.
- Keep your hands visible.
- Call 9-1-1 when you are safe.

HIDE

- Hide in an area out of the shooter’s view.
- Lock the door or block entry to your hiding place.
- Barricade the door.
- Silence your cell phone.
- Remain quiet and out of sight (if possible).
- Turn off all lights in the location.
- Call 911 if you can quietly do so.
- Remain hidden until law enforcement comes to get you.

FIGHT

- As a last resort and only when your life is in imminent danger.
- Swarm the shooter.
- Attempt to incapacitate the shooter.
- Act with as much physical aggression as possible.
- Improvise weapons or throw objects at the shooter.
- Commit to your actions...your life may depend on it.

ALCOHOL AND DRUG POLICIES

Alcoholic Beverages

Incidents of intoxication and/or misconduct involving the consumption of alcoholic beverages are subject to College disciplinary action. The use or possession of alcoholic beverages by students or their guests under the age of twenty-one (21) is prohibited. If violated, it may be grounds for suspension from Flagler College.

Students who are at least twenty-one (21): Students who are at least twenty-one (21) may consume alcoholic beverages that are made available at events and programs on campus. These beverages will be offered through Catering Services. Residents of the Sebastian Residence Hall who are of legal age are allowed to keep and consume alcoholic beverages in the Hall.

Students are expected to comply with municipal, state and federal laws pertaining to the possession and use of alcoholic beverages off campus. The legal drinking age in Florida is 21. No person can give, sell, serve, or permit to be served alcoholic beverages to a person under 21. Violations of any such laws are punishable by a term of up to one year in prison and a fine up to \$1000. Violations by persons under the age of 21 may lead to limiting of driving privileges. Parents of a student under the age of 21 may be notified if a student is found responsible under the Student Code of Conduct for any alcohol violation.

Incidents of intoxication and/or misconduct involving the consumption of alcoholic beverages are subject to College disciplinary action regardless of the location of such incidents. Alcoholic beverage containers, including shot glasses, and bottle caps in the residence halls and in automobiles are in conflict with the College's policy prohibiting consumption of alcohol on campus. When such containers are found in the residence halls or in the automobile, it will be assumed that the alcohol was consumed on the campus, and the students involved will be charged with possession of alcohol. Physical evidence of any container of an alcoholic beverage (whether empty, full or partially full) will constitute sufficient evidence to find a student (or students) of a room (or suite) or automobile guilty of possession of alcoholic beverages on campus.

Alcohol and Your Health

According to the Centers for Disease Control and Prevention, alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident.

Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information.

Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Short-Term Health Risks

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns
- Violence, including homicide, suicide, sexual assault, and intimate partner violence
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels
- Risky sexual behaviors, including unprotected sex or sex with multiple partners these behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.
- Miscarriage and stillbirth or [fetal alcohol spectrum disorders \(FASDs\)](#) among pregnant women.

Long-Term Health Risks

Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems
- Cancer of the breast, mouth, throat, esophagus, liver, and colon
- Learning and memory problems, including dementia and poor school performance
- Mental health problems, including depression and anxiety
- Social problems, including lost productivity, family problems, and unemployment
- Alcohol dependence or alcoholism

Illegal Drugs

Under state and federal laws, the possession, use or sale of narcotics or unauthorized drugs is illegal. Such actions also violate College policy, the Staff Handbook, and the Student Handbook. The College abides by and enforces all federal and state laws on the possession, use and sale of narcotics and other unauthorized drugs. Persons involved in this type of activity on campus are subject to disciplinary action and parental notification, in addition to possible criminal charges.

Drugs and drug paraphernalia found in residence hall rooms or other campus locations are confiscated and turned over to the proper authorities. The College will not shield students from possible legal consequences of drug possession, sale or use.

The use, consumption, possession, sale manufacture, trafficking or transfer of any illegal drug or controlled substance, as defined by Florida state and Federal law, for which the individual does not have a legal license or valid prescription is strictly prohibited. Use, display, and/or possession of drug paraphernalia are prohibited. This includes, but is not limited to, bongos, pipes, scales, hookahs, water pipes, or any other item modified or adapted for planting, selling, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing concealing, injecting, ingesting, inhaling, or otherwise introducing a controlled substance into the human body.

Violations of this policy are handled on a case by case basis through the Dean of Students/Chief Judicial Affairs office. Institutional sanctions that may be implemented as a result of a violation include, but are not limited to:

Verbal Warning	Housing Probation
Written Warning	Fines and/or Fees
Restitution	Community Service
Conduct Probation	Parental notification
Referral for education programs	Educational, research, or reflective essay
Suspension from the College	Dismissal from the College
Expulsion from the College	Referral for psychological and/or substance abuse
Mandatory drug testing *	
Restriction, relocation, and/or removal from residence halls	

*If a student refuses to either submit to a drug test or to sign a release of the test results to the College, the College will consider this refusal a positive-drug test result. For second or subsequent offenses involving the violation of college policy regarding the unlawful use of alcohol/drugs, progressively more severe penalties shall be imposed with the likelihood of a minimum one semester suspension.

Second Violation after re-enrollment: Students re-enrolled after a suspension for any drug or paraphernalia-related violation must complete the following: Remain on drug probation throughout their tenure at Flagler College, Participate in random drug testing and bear the cost of testing, Complete up to 30 hours of community service, and Serve a period of disciplinary probation. Students who do not comply with the conditions set forth above or who have a second drug or drug paraphernalia related violation will be expelled from Flagler College.

Health Effects of Drug Abuse

Information on the effects of the most commonly abused drugs is available from the National Institute on Drug Abuse at www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts.

Drug-Free Schools and Communities Act

Flagler College complies with the Drug-Free Schools and Communities Act and Education Department General Administrative Regulations Part 86 (the Drug-Free Schools and Campuses Regulations) by enforcing policies which include sanctions for illegal alcohol and other drug use and by providing students and employees with information and services to understand those policies.

Flagler's Code of Student Conduct and prohibit the unlawful possession, use, or distribution of alcohol or illegal drugs on the campus.

That policy also clearly states that sanctions apply to student acts committed off-campus while under the influence of alcohol or illegal drugs, such as public disturbances, endangerment to self or others, or property damage.

WEAPONS POLICY

The possession or use of firearms, fireworks of any description, explosive devices, or any dangerous weapon is prohibited on College premises or at any College-sponsored function. Dangerous weapons shall include but not be limited to: firearms of any description, paintball, carbon dioxide and spring propelled guns, swords, dirks, knives, brass knuckles, blackjacks, bow and arrows or crossbows or other devices designed or intended to propel a missile of any kind, stun guns, stun batons, Tasers or other electronic weapons or other implement for the infliction of serious bodily injury, or any other instrument deemed to be a weapon.

As an educational institution, Flagler College is exempt from the provisions of Florida Statute 790.251, the Preservation and Protection of the Right to keep and Bear Arms in Motor Vehicles Act of 2008, which permits Florida residents to keep lawfully possessed firearms that are locked inside or locked to a private motor vehicle at the workplace. No students, staff, or faculty members and no contract workers, interns, volunteers or guests are allowed to bring a firearm to the St. Augustine campus or keep a firearm locked inside their vehicle in any Flagler-owned or leased parking lot. Exceptions to this policy are active sworn law enforcement officers.

HATE CRIMES

Any Clery Act crime, any other crime involving bodily injury, and any larceny/theft, simple assault, intimidation, destruction, damage or vandalism of property in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity/national origin or disability of the victim, is a "hate crime" and is included in the Annual Security Report. Any questions or concerns about prohibited harassment in the College community should be directed to the Office of Campus Safety & Security or other CSAs.

The State of Florida also considers certain crimes to be more serious when motivated by hatred or malice based on race, color, religion or national origin of another group. These underlying offenses include, but are not limited to, crimes against persons such as harassment, terroristic threats, and assaults.

Victims should immediately report any such activities or crimes occurring on the St. Augustine campus to the Office of Campus Safety & Security and/or the St. Augustine Police, and the Tallahassee Community College Police if such a crime occurs at the Flagler-Tallahassee campus.

MISSING STUDENT NOTIFICATION POLICY

A student shall be deemed missing when the College becomes aware that the student has been absent from the College for more than 24 hours without any explanation.

- Any report of a missing student missing from the St. Augustine campus should be immediately made to the Vice President of Student Affairs or the Director of Safety and Security.
- If a member of the Tallahassee campus has reason to believe that a student is missing, s/he should immediately notify the TCC Police Department.

If a student is under 18 years of age, the College will notify the parent or guardian of the missing student not later than 24 hours after the student is determined missing by the Director of Safety and Security or the TCC Police. If a student is 18 years of age or over, the College may notify the parent or guardian of the missing student not later than 24 hours after the student is determined missing by the Director of Safety and Security or the TCC Police. The decision to notify the parent or guardian of a missing student who is an adult shall be made by the Vice President of Student Affairs.

All students shall have the opportunity on an annual basis to list emergency contact information with and identify to the Division of Student Affairs or the Office of Residence Life an individual to be contacted by the College in the event that he or she is determined to be missing. The contact information is registered confidentially, is accessible only to authorized campus officials, and will only be disclosed to law enforcement personnel in furtherance of a missing person investigation.

When a student is reported missing, the Director of Safety and Security or the TCC Police shall initiate an investigation to determine the validity of the missing person report; contact the Vice President of Student Affairs, the Vice President of Business Services, and the College President; and make a recommendation as to the status of the missing student; i.e. whether the student was found, is still missing, is accounted for but not on campus, is staying with a boyfriend/girlfriend, or did not wish to talk with parents.

If it is determined that the report is valid and the student has been missing for 24 hours, the Vice President of Student Affairs will notify the individual identified by the missing person as the emergency contact person; notify the parents or guardians of the missing person as contained in the students' records if the individual is under 18; and notify the St. Augustine Police of a missing person.

If an outside law enforcement agency initiates a Missing Person Report and/or a Missing Person investigation concerning a student at any time prior to 24 hours from the time the student is reported missing to a College official, the student shall automatically be considered as missing under this policy and all protocols shall be implemented immediately.

STUDENT AND STAFF RESPONSIBILITY

The cooperation and involvement of all members of the Flagler community in an overall program of campus safety is a necessary prerequisite for success. For example, students and staff who see unfamiliar or unauthorized persons, or persons acting in a suspicious manner on campus should report them at once to the Office of Campus Safety & Security or the TCC Police.

By learning and practicing basic safety and security precautions, each individual will help make Flagler College a safer place to live, work and to learn.

Residents and staff should always lock their room and office doors when the room is unoccupied—even for a minute—and at night. The serial numbers of valuable items such as small electronic devices should be kept in a safe place. By working hand-in-hand with the Office of Campus Safety & Security and the TCC Police, staff and students may positively influence the security of the campus.

The Office of Business Services in collaboration with the office of Campus Safety & Security is also responsible for the registration of all vehicles parked on campus and the enforcement of campus parking rules and regulations. Therefore, all vehicles belonging to faculty, staff, and students parked on the St. Augustine campus and in parking lots proximate to campus that are leased by the College must be registered annually with the Office of Business Services and display a valid Flagler College parking decal. Please practice common sense by keeping your vehicle locked at all times.

SAFETY AND SECURITY SUMMARY

Criminal actions, dangerous activities, suspicious behavior, and emergencies occurring on the St. Augustine campus should be reported immediately to the Office of Campus Safety & Security at **904-819-6200**. Those occurring on the Flagler-Tallahassee campus should be reported immediately to the TCC Police Department at **9-1-1** (for emergencies) or **850-201-6100**.

Security Officers are on duty every day, 24 hours a day. Please program the Office of Campus Safety & Security phone number into your cell phone.

Members of the Flagler College community must assume responsibility for their own personal safety and the security of their personal property.

- Never take personal safety for granted.
- Trust your instincts. If something doesn't feel right, it probably isn't.
- If you *SEE* something, *SAY* something.
- Travel in groups and use well-lit routes.
- Carry only small amounts of cash.
- Use common sense and good judgment when traveling off campus.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home.
- Never let strangers into the residence halls.
- Be mindful of what information and photographs you post on the Internet.
- Inventory your personal property and insure it appropriately with a private insurance carrier.

Additional details about specific crime statistics are available from the Director of Safety & Security by calling 904-819-6318. Flagler's crime statistics are also published by the United States Department of Education at <http://ope.ed.gov/security/>.

The information in this Report has been compiled in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. No warranty, guarantee or representation is made by Flagler College as to the absolute security and safety of the campus.

The College reserves the right to change these policies, but will alert enrolled students and current employees of any changes. Please refer to the *Student Handbook*, the *Staff Handbook*, and the Office of Campus Safety & Security website for further details on policies and procedures.

AVAILABILITY OF THE ANNUAL SECURITY REPORT

The College's Annual Security Report is available online at www.flagler.edu/annual-security-and-fire-safety-reports.

The College will provide a paper copy of the report upon request to currently enrolled or prospective students and current or prospective employees of the College. It can be viewed on request in the Safety and Security Office located at 1 Malaga Street, Saint Augustine Florida.

LOCATIONS AND DEFINITIONS

The Clery Act requires that statistics be disclosed for reported Clery crimes that occur (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that are owned or controlled by Flagler College. The following Clery Act-specific definitions are for these geographic categories.

Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls.

Dating Violence: Includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Florida, or 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 State of Florida.

Non-campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution. Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Off-Campus Locations: Flagler College does not have any off-campus locations used by student organizations that are recognized by the College.

Public Property: All public property, including thoroughfares, streets, sidewalks, parking Plant Maintenance, and forested areas (*i.e.*, woods, parks) that is within the campus or immediately adjacent to and accessible from the campus.

Sexual Offenses: include any sexual acts directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, to include the following.

- **Rape:** the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim.
- **Fondling:** the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent.

Stalking: means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Student Housing: On campus residence halls or other residential housing for students. This means a student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

CRIME STATISTICS – ST. AUGUSTINE CAMPUS

The statistics below represent incidents that were reported to the Flagler College Office of Campus Safety & Security, local police agencies, and Flagler College employees designated as a Campus Security Authority.

Offense Type	On-Campus			Student Housing (subset of On-Campus)			Non-Campus Building or Property			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	3*	2	0	3*	2	1	1	0	0	0	1
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	1*	0
Assault	1	1	7	0	0	7*	1	0	0*	0	0	1
Burglary	0	2*	2	0	1	2	1	0*	0	0	0*	0*
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	0	0	0	0	0	1
Domestic Violence	0	1	0	0	1	0	0	0	0	0	0	1
Dating Violence	0	1	1	0	1	1	0	0	0	0	0	0
Stalking	2	0*	3	0	0	3	0	0	0	0	0	0
(*) Updated Data 2021 rape offenses (on campus) changed from 2 to 3. 2021 rape offenses (student housing) changed from 2 to 3. 2021 robbery (public property) changed from 0 to 1. 2021 burglary (on campus) changed from 1 to 2. 2021 burglary (non-campus) changed from 9 to 0. 2021 burglary (public property) changed from 1 to 0. 2021 Stalking (on campus) changed from 2 to 0. 2022 burglary (public property) changed from 1 to 0. 2022 assault (student housing) changed from 6 to 7. 2022 assault (non campus) changed from 1 to 0.												
NOTE: Sexual assault and domestic/dating violence are historically underreported crimes. By law, professional counselors are exempt from reporting Clery crimes discussed in a counselor-client setting. However, to provide a more accurate accounting of these crimes involving our students, Counseling Services has provided the number of crimes reported to them by student-clients. Some may have occurred off-campus, in other jurisdictions, or at unknown locations. Crimes reported to the Title IX Coordinator may have occurred off-campus, in other jurisdictions, or at unknown locations; and may also have been reported to Counseling Services. Therefore, some sexual assaults may have been double-reported. <u>Reported to Counseling Services</u> Sexual Assault – 9 Stalking – 1 Intimidation-2 Dating Violence- 1 Domestic Violence - 0												
Hate Crimes												
2020: 0 2021: 0 2022: 0												

Arrests/Referrals for Selected Offenses

Offense Type	On-Campus			Student Housing (subset of On-Campus)			Non-Campus Building or Property			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Liquor Law Violations												
Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Referral	63	118	90	63	118	90	0	0	0	0	0	0
Drug Law Violation												
Arrests	0	0	0	0	0	0	2	0	0	0	0	0
Referral	12	44	23	12	44	23	0	0	0	0	0	0
Weapons Law Violation												
Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Referral	0	0	3	0	0	3	0	0	0	0	0	0

CRIME STATISTICS – FLAGLER-TALLAHASSEE CAMPUS

The statistics below represent incidents that were reported to the Tallahassee Community College (TCC) Police, local police and sheriff’s agencies, and TCC employees designated as a Campus Security Authority.

Offense Type	On-Campus			Non-Campus Building or Property			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	1
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Assault	1	1	0	1	1	0	6	0	1
Burglary	0	0	1	0	0	0	0	3	0
Arson	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	1	1	0	0	5	0
Domestic Violence	0	0	0	0	0	0	0	4	1
Dating Violence	0	0	0	0	0	0	0	0	2
Stalking	2	2	1	2	2	0	0	0	2
Hate Crimes									
2020: 1									
2021: 1									
2022: 0									

Arrests/Referrals for Selected Offenses

Offense Type	On-Campus			Non-Campus Building or Property			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Liquor Law Violations									
Arrests	0	0	0	0	0	0	0	0	0
Referral	0	0	0	0	0	0	0	0	0
Drug Law Violation									
Arrests	0	0	0	0	1	0	1	0	0
Referral	1	1	0	0	1	0	0	0	0
Weapons Law Violation									
Arrests	0	0	0	0	0	0	0	0	0
Referral	0	0	0	0	0	0	0	0	0

Fire Safety Report

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008, requiring academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics. An on-campus student housing facility is a dormitory or other residential facility for students located on an institution's campus.

Flagler College has six (6) on-campus student residence halls on the St. Augustine campus. The College does not have any residence halls or other student housing on the Flagler-Tallahassee campus.

Flagler College has prepared this report, which includes required information about student housing fire safety systems, fire evacuation drills, fire safety policies, and education and training programs.

The chart at the end of this report indicates fire events that occurred in our five residence halls during the past three calendar years.

ON-CAMPUS HOUSING FIRE SAFETY EQUIPMENT

All residence halls on the St. Augustine campus are equipped with sprinkler systems, and all residence halls and houses are equipped with fire alarms, fire extinguishers, and smoke detectors.

Fire alarm systems are monitored 24 hours a day, 365 days a year by a certified central station fire alarm monitoring company. When an alarm is activated on campus, the central station dispatcher immediately contacts the St. Augustine Fire Department and the Office of Campus Safety & Security.

Security Officers are immediately dispatched to the activation location. Security Officers have two-way radio communications with the Office of Campus Safety & Security office, and can advise the dispatcher if fire department response is warranted. The Office of Campus Safety & Security dispatcher then calls 9-1-1 to request fire department response as needed.

Tampering with fire safety equipment or setting off a false alarm is illegal. It also makes the alarm system ineffective and endangers the lives of other persons living in the residence halls/houses.

Any person who sets off a false alarm, interferes with the operation of the alarm system, damages or removes any part of the alarm system, fire extinguishers, smoke detectors, or exit signs, or in any other manner interferes with or otherwise hampers the effectiveness of the fire safety system, is subject to severe disciplinary action, including dismissal from the residence halls/houses, possible suspension or expulsion from the College, and/or criminal prosecution.

If a smoke detector is detached from the wall for any reason, it is the responsibility of the person residing in that room to report it immediately. If not reported, all residents will be held responsible for tampering with fire safety equipment and will be disciplined and/or fined.

Inspection, testing, and maintenance programs for fire sprinkler, fire/smoke detection, and fire alarm systems are performed and recorded on an annual basis in accordance with National Fire Protection Association (NFPA) 72, National Fire Alarm Code and with NFPA 13 and 13A.

Training and competency of state certified personnel responsible for the routine inspection, testing and maintenance of fire sprinkler systems, fire/smoke detectors, and alarm systems is handled by the certified contractors hired to perform these inspections. Fire extinguishers are checked regularly by Security Officers and inspected annually by our contractor in accordance with NFPA 10, Standard for Portable Fire Extinguishers.

Newly constructed residential facilities on the campus as well as those that undergo reconstruction, as defined by the building code of the State of Florida, have sprinkler systems and complete fire and smoke detection and alarm systems.

SUPERVISED FIRE DRILLS

Unscheduled fire and evacuation drills are conducted in all residence halls during the spring and fall semesters of each academic year.

The drills are conducted and supervised by the Office of Campus Safety & Security and the Office of Residence Life staff. Drills are documented and problems are addressed. Students must participate in the fire drills, and it is a violation of the Student Code of Conduct not to evacuate during a drill.

Fire Evacuation Drills

During a drill, occupants practice drill procedures and familiarize themselves with the location of fire exits and the sound of the fire alarm. In the event of an actual fire, occupants must notify 9-1-1 and the Office of Campus Safety & Security. The Office of Campus Safety & Security will call 9-1-1 for fire department assistance.

Occupants of a residence hall and their guests must immediately evacuate the building upon the sounding of a fire alarm, regardless of its nature (drill, false alarm or actual alert), and follow the directions of College officials during the evacuation. Residents and RAs are not permitted to re-enter the building until the "all clear" is given by an on-scene Security Officer or the senior Residence Life staff member present. Should the situation prohibit a timely re-entry into the affected building, evacuated residents will be temporarily relocated to another campus building.

Residents should become familiar with multiple evacuation routes out of their building and should leave using the nearest safe exit. Elevators are not to be used during a fire alarm evacuation of any building.

If someone cannot be evacuated due to an injury or disability, notify the first Security Officer or RA encountered as you are leaving the building.

Residents are not expected to fight fires and are encouraged not to use fire extinguishers unless designated and trained. Individuals designated and trained by the College in the proper use of extinguishers may use a portable fire extinguisher to fight a small fire where there is little risk of harm from smoke, heat or flames.

Students, faculty and staff are encouraged to immediately report all campus fires to the Office of Campus Safety & Security.

EVACUATION PROCEDURES

(See www.flagler.edu/safetyprocedures/ for additional building evacuation and fire response procedures.)

- At the sound of the alarm, each resident should immediately leave by the nearest fire exit and proceed directly to their assembly location. When possible, students are encouraged to pick up coats and shoes as they exit the building and to close room windows and doors.
- If unable to exit, call 911 to report your location to local authorities, or wave a white or light-colored cloth from a window to alert first responders of your location.
- Exit the building and proceed at least 300 feet away, as ordered by emergency personnel or Flagler College Security personnel.
- Do not attempt to re-enter the building for any reason until the “All-Clear” is announced by Security.
- Do not attempt to carry or remain with anyone who cannot be safely evacuated due to mobility impairment. Assist them to the closest safe Area of Refuge and report their location to appropriate personnel immediately upon exiting.
- The Residence Life staff (RAs) living in each residence hall assist with accounting for residents outside the building during the evacuation process. Residents are instructed on the location of the assembly area for their residence hall by the RAs.
- In the event of a fire or evacuation the Office of Campus Safety and Security will also notify:

Director of Safety and Security
Executive Director of Facilities
Chief of Staff

FIRE SAFETY VIOLATIONS AND PROHIBITIONS

The *Flagler College Student Handbook*, Residence Life section, contains information on residence hall policies. RAs conduct periodic health and safety inspections of residence hall rooms during each semester. Listed below are fire safety guidelines and prohibitions.

- Hanging any items from or attaching any items to ceilings or other horizontal surfaces above the head is prohibited.
- Hanging any items from or draping any items over electrical outlets, smoke detectors, lamps, or other items with the potential to ignite the item through excessive heat exposure is prohibited.
- Hanging any items from sprinkler pipes or within 18” of any sprinkler head is prohibited.
- Electrical outlets and extension cords may not be overloaded.
- Only UL-approved and rated electrical extension cords may be used on campus. The rating must be visible and legible on the cord. Total combined voltage of all appliances on the cord may not exceed the UL rating for that cord.
- Surge protectors must be circuit-breaker protected and UL approved. Instead of extension cords, use surge protectors for multiple plugs. Surge protectors may not be linked to other surge protectors or be placed underneath carpets.
- Lit candles are prohibited.
- Appliances with open heating elements, including hot plates, griddles, toaster ovens and space heaters are prohibited.

- Items involving open flames (*e.g.*, incense and potpourri burners, kerosene lamps) are also prohibited.
- Flammable/combustible materials, liquids or devices including gasoline, lighter fluid, open paints, paint thinner, turpentine, BBQ grills, and helium tanks are prohibited.
- Live Christmas trees, wreaths and/or garland are fire safety hazards, and are prohibited. Holiday decorations involving lights must use cords that meet the UL requirements outlined earlier and that are in good condition.
- Equipment powered with gasoline or combustible fuels are prohibited.
- Blocking or preventing the use of room doors, hallways, exit doors and stairwells or propping of exterior access doors and fire doors is prohibited.
- Smoking is prohibited in any residence facility.
- Fireworks, projectiles or explosives of any type are prohibited in residence halls.
- Tampering with fire alarm or fire protection systems, including extinguishers, smoke detectors, alarms, sprinklers, fire exit signs, and fire doors or deliberately causing a false fire alarm are violations of the Student Handbook and students found responsible are subject to strict sanctions.
- The use of halogen lamps or floor lamps is prohibited in residence hall rooms or common areas. Having such lamps will result in disciplinary action and immediate removal of the lamp.
- Keep room clear of fire hazards that are created through the accumulation of potentially flammable materials such as newspapers, magazines, boxes, etc.
- Stairway and hallway fire doors shall be kept closed at all times. These closed doors can contain a fire long enough to allow the occupants to escape.

FIRE SAFETY EDUCATION AND TRAINING

Residence Life RAs are students who live in and supervise the College's residence halls and houses. These student-employees receive annual fire safety, evacuation, and fire extinguisher training prior to residential students arriving for the fall semester.

The staff holds educational floor meetings when students arrive on campus at which time fire safety and evacuation procedures are covered with the resident students.

Fire evacuation routes and procedures are posted on the back of the door of each residence hall room.

Fire and building evacuation protocols and procedures are also addressed in the following documents:

- Flagler College website at www.flagler.edu/safetyprocedures/
- *Flagler College Staff Handbook*, Section V [Flagler College Staff Handbook.pdf](#)
- *Flagler College Student Handbook* [Student-Handbook-2022-2023.pdf \(flagler.edu\)](#)

Specialized training is routinely provided to service employees, such as Dining Services and housekeeping staffs, who work in high occupancy campus buildings and residence halls.

The Office of Campus Safety & Security and the Facilities Management Department maintain an active working relationship with the City of St. Augustine Fire Marshal, and consult with that office on matters of fire safety when questions arise.

The City of St. Augustine Fire Marshal's Office conducts periodic inspections of campus facilities located within the City of St. Augustine.

FIRE LOG

The Office of Campus Safety & Security maintains a fire log that records all fires that occur in a residential housing facility by the date the incident was reported. The Fire Log is available for public review at the Office of Campus Safety & Security located at 1 Malaga Street, and includes the nature, date, time, and general location of each fire reported to the department. The Office of Campus Safety & Security posts fire incidents in the Fire Log within two (2) business days of receiving a report of a fire and reserves the right to exclude reports from the log in certain circumstances.

FUTURE IMPROVEMENTS

Planned improvements in campus fire safety coincide with scheduled renovation, summer projects and/or new construction. Flagler College continues to upgrade and improve its fire safety systems on an as-needed basis along with its CCTV systems. The College is in the process of renovating the West side of Ponce de Leon Residence Hall and it will include improvements and upgrades to the fire systems throughout the building.

AVAILABILITY OF THE ANNUAL FIRE SAFETY REPORT

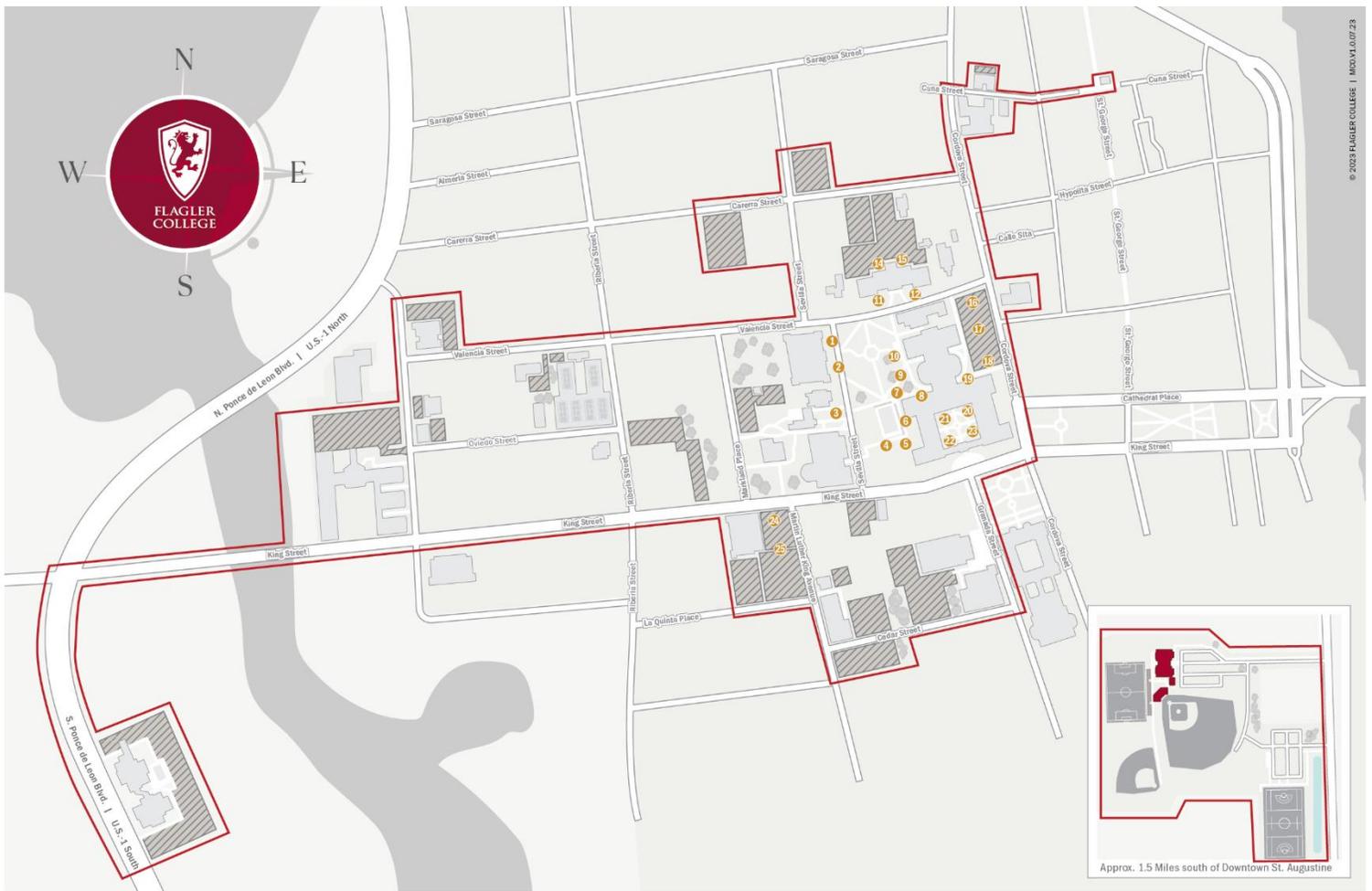
The Annual Fire Safety Report is available online at www.flagler.edu/annual-security-and-fire-safety-reports.

The College will provide a paper copy of the report upon request to currently enrolled or prospective students and current or prospective employees of the College.

FIRE STATISTICS

This chart includes fires in residential halls/houses that were reported to the Flagler College Office of Campus Safety & Security.

On-Campus Residence Halls	Total Number of Fires	Type of Fire	Fire Related Deaths	Fire Related Injuries	Property Damage Value
Lewis House 18 Valencia Street					
2020	0		0	0	\$0
2021	0		0	0	\$0
2022	2	Cooking	0	0	\$200
Cedar Hall 94 Cedar Street					
2020	0		0	0	\$0
2021	0		0	0	\$0
2022	0		0	0	\$0
Ponce de Leon Hall 74 King Street					
2020	0		0	0	\$0
2021	0		0	0	\$0
2022	0		0	0	\$0
FEC Towers 1 Malaga Street					
2020	0		0	0	\$0
2021	0		0	0	\$0
2022	0		0	0	\$0
Abare Hall 1 Malaga Street					
2020	0		0	0	\$0
2021	0		0	0	\$0
2022	0		0	0	\$0
Sebastian Hall 333 S. Ponce de Leon Blvd					
2020	N/A		N/A	N/A	N/A
2021	N/A		N/A	N/A	N/A
2022	0		0	0	\$0



The Office of Campus Safety & Security has designated its reporting area for the St. Augustine campus by using the above map.

Note: The College’s Athletics Complex (depicted in lower right insert) is located at 1655 Old Moultrie Road, St. Augustine, FL, approximately 2 miles from the main campus.