

Sexual Misconduct and Title IX Policy

This Policy specifically addresses the College's prohibition against Sexual Harassment, Sexual Exploitation, Sexual Assault, Dating Violence, Domestic Violence, Stalking, Title IX Sexual Harassment, and Retaliation against an individual for making a report of conduct prohibited under this policy. Together, these forms of discrimination and harassment are defined as "Prohibited Conduct" below.

Definitions of other capitalized terms can be found within this Policy and in its Glossary of Terms.

Every member of the College community should be aware that the College is opposed to discrimination and harassment on the basis of sex, and that such behavior is prohibited by College policy. The Sexual Misconduct and Title IX Policy reflects the College's commitment to equal opportunities and is implemented in compliance with Title IX of the Education Amendments of 1972 (Title IX); relevant provisions of the Violence Against Women Act; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Campus Safety Act; their implementing regulations; and other applicable federal and state laws and regulations.

Title IX is a Federal law which prohibits discrimination on the basis of sex in education, programs, or activities. It provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity provided through the College. This is not only the policy of the College, it is also the mandate under applicable federal and state laws and applies with regard to the College's employment, admissions, academic programs, scholarship and loan programs, and other College administered programs.

Prohibited Conduct

A Complainant is defined as an individual who is reported to have experienced Prohibited Conduct. A Respondent is defined as an individual who is reported to have committed Prohibited Conduct. The Complainant(s) and Respondent(s) are referred to collectively as the Parties.

Consistent with its commitment to equal opportunities and the eradication of discriminatory practices, including harassment, the following conduct is prohibited under the Sexual Misconduct and Title IX Policy.

Dating Violence: Dating Violence is an Act of Violence committed by a person who is or has been in a romantic or intimate relationship with the Complainant. The existence of such a romantic or intimate relationship is determined by the length of the relationship, the type of relationship, and the frequency of interactions between the individuals involved in the relationship.

Domestic Violence: Domestic Violence includes felony or misdemeanor crimes committed on the basis of sex by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly

situated to a spouse of the Complainant, or by any other person against an adult or youth who is protected from that Respondent's acts under applicable law.

Sexual Assault: Sexual Assault is a forcible or non-forcible sex offense including:

- **Penetrative Sexual Assault:** 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 the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical Incapacity. Attempts to commit penetrative sexual assault are also included within this definition.
- **Fondling¹:**
 - The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent,
 - without the consent of the Complainant,
 - for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or,
 - The intentional touching by the Complainant of the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts,
 - without the consent of the Complainant,
 - for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- **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.

Sexual Exploitation: Sexual Exploitation is when an individual takes non-consensual or abusive sexual advantage of another, for their own benefit; or to benefit anyone other than the one being exploited; and that behavior does not otherwise constitute one of the other Prohibited Conduct under this Policy. Examples of sexual exploitation include, but are not limited to:

- Prostituting another person (i.e. personally gaining money, privilege, or power from the sexual activities of another person)

¹ Contact with body parts is considered to be done for the purpose of sexual degradation, sexual gratification, or sexual humiliation unless: (1) the contact can be proven inadvertent; (2) the contact is for a legitimate medical (or other privileged) purpose and thus is conduct for which consent should have been sought and obtained by the provider; (3) the contact involves a Respondent who is pre-sexual, based on maturity/age (thus their intent is not sexual); (4) the contact involves a Respondent who cannot developmentally understand sexual contact or that their contact is sexual; or (5) The contact is something like butt-slapping on a team and is both minimal and unlikely to have sexual motivation or purpose, as shown by the context of the act(s).

- Non-consensual video, photography, audiotaping, or any other form of recording, of sexual activity;
- Non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Allowing others to observe a personal act of consensual sex without knowledge or consent of the partner;
- Engaging in voyeurism (being a “peeping tom”); and
- Knowingly or recklessly transmitting an STD or HIV to another person.

Sexual Harassment: Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct based on sex when:

1. Submission to, or rejection of such conduct is an explicit or implicit condition of an individual’s employment, evaluation of academic work, or participation in any aspect of a College Education Program or Activity; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance, i.e. it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile, humiliating, or sexually offensive working, academic, residential, or social environment under both a subjective and an objective standard.

Conduct that does not meet the definition of Sexual Harassment for the purposes of this policy may still violate other College policies or fall short of the College’s reasonable expectation for respectful conduct and professionalism.

Sexual Misconduct: Sexual Misconduct is a broad term that includes Dating Violence, Domestic Violence, Sexual Assault, Sexual Exploitation, Sexual Harassment, and Stalking as defined by this policy.

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

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.

A course of conduct includes two or more acts, including but not limited to, those in which the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the

Complainant, or interferes with the Complainant's property. The course of conduct must be committed on the basis of the Complainant's sex.

Retaliation: Retaliation is an adverse action against an individual because the individual in good-faith made a report of a violation of this policy, opposed conduct prohibited by this policy, or participated in an investigation into alleged conduct prohibited by this policy. For the purposes of this definition of Retaliation, an adverse action includes intimidation, threats, coercion, harassment, discrimination, or other conduct that would discourage a reasonable person for making a good-faith report of a violation of this policy.

Title IX Sexual Harassment: Although the College broadly prohibits Sexual Harassment as defined by this policy, federal Title IX regulations require the College to follow specific processes when the College has Actual Knowledge of certain categories of Sexual Misconduct, referred to herein as "Title IX Sexual Harassment."

For the purposes of this policy, Title IX Sexual Harassment is conduct on the basis of sex that falls under one or more of the following categories:

1. Quid Pro Quo Sexual Harassment: Quid pro quo sexual harassment occurs when a College employee conditions the provision of aid, benefit, or service of the College on participation in unwelcome sexual conduct; or
2. Unwelcome Conduct: Conduct on the basis of sex that is 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, Dating Violence, Domestic Violence, or Stalking as defined by this policy;

And, where all of the following apply:

1. At the time the Formal Complaint was filed, the Complainant was participating or attempting to participate in the College's Education Program or Activity; and
2. The alleged conduct occurred within the College's Education Program or Activity; and
3. At the time of the alleged conduct, the Complainant was in the United States.

The College must follow specific procedures when it receives a Formal Complaint alleging conduct that, if true, could constitute Title IX Sexual Harassment as defined above.

Scope and Applicability of the Sexual Misconduct and Title IX Policy

The Sexual Misconduct and Title IX Policy applies broadly to all College community members, including all students as well as faculty, staff, trustees, visitors, vendors, independent contractors, volunteers, and others who either conduct business with the College or conduct business on College owned or controlled property. Everyone is expected to avoid any behavior or conduct

that could reasonably be interpreted as a violation of the Sexual Misconduct and Title IX Policy; no community member, not even the highest-ranking individuals at the College, are exempt from the requirements of the Sexual Misconduct and Title IX Policy.

The Sexual Misconduct and Title IX Policy applies to conduct that occurs on the College owned or controlled property ; occurs in connection to any College Education Program or Activity, including employment and admissions, regardless of where the conduct occurred; or has continuing adverse effects on campus or on any member of the College community.

Inquiries Regarding the Sexual Misconduct and Title IX Policy

While compliance with the law is everyone's responsibility at the College, the College has designated a Title IX Coordinator and Deputy Title IX Coordinators to oversee its response to all reports of Prohibited Conduct as defined by this policy, and to coordinate compliance with the mandates of Title IX. The Title IX Coordinator and Deputy Title IX Coordinators are knowledgeable and trained in the College's policies and procedures and state and federal laws that apply to discrimination and harassment on the basis of sex.

Inquiries regarding the Sexual Misconduct and Title IX Policy, how to report a violation of the Sexual Misconduct and Title IX Policy, or compliance with applicable federal, state, or local statutes or regulations may be directed to:

Lauren Frasser
Title IX Coordinator
2700 N. Tamiami Trail
Sarasota, FL 34243-5895
P: 941-309-4035
lfrasser@ringling.edu
titleix@ringling.edu

In addition, inquiries regarding applicable federal statutes and regulations may be directed to the Director of the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-1100, 1-800-421-3481 (phone), 1-877-521-2172 (TDD), ocr@ed.gov (email).

Reports of Violations of the Sexual Misconduct and Title IX Policy

The College encourages all individuals to immediately report information about any conduct that may violate the Sexual Misconduct and Title IX Policy.

Reports to the College

Anyone who believes that they have been subject to or witnessed a violation of the Sexual Misconduct and Title IX Policy should immediately make a report online at: https://cm.maxient.com/reportingform.php?RinglingCollege&layout_id=0 or by sending an email to titleix@ringling.edu, or by contacting one of the following individuals:

Lauren Frasser Title IX Coordinator P: 941-309-4035 lfrasser@ringling.edu	Darren Mathews Deputy Title IX Coordinator; Assistant Vice President and Director of Human Resources P: 941-309-4058 dmathews@ringling.edu	Elcin Haskollar Deputy Title IX Coordinator; Associate Dean of Students for Student Success P: 941-309-4023 ehaskoll@ringling.edu
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Reports may also be made, at any time, 24 hours a day, 7 days a week to Public Safety (941-359-7500). A Complainant or third party can request a Public Safety Officer to respond and take a report.

Individuals may choose to make an anonymous report, however if an individual wishes to remain anonymous, it may limit the College's ability to respond.

If an employee (with the exception of the Confidential Resources listed below) has information regarding an allegation of a violation of the Sexual Misconduct and Title IX Policy, the employee must report the information to the Title IX Coordinator or a Deputy Title IX Coordinator. Such mandatory reports cannot be anonymous and must include the name of the employee filing the report, as well as all known information relating to the report. Additionally, as required by Florida law, upon notification of known or suspected sexual abuse, abandonment or neglect of a child under age 18, employees, students and volunteers must report as described in the Ringling College of Art and Design Child Protection Policy. This policy can be found in the student and employee handbooks.

Upon receiving a report, the Title IX Coordinator will respond as set forth in the applicable Procedures for Addressing and Responding to Reports and Complaints of Violations of the Sexual Misconduct and Title IX Policy set forth below.

Additional information regarding resources and support available at the College and in the community for individuals reporting Prohibited Conduct is available at www.ringling.edu/titleix.

Reports to Law Enforcement

Under Florida law, certain Prohibited Conduct as defined by the Sexual Misconduct and Title IX Policy may also be a crime. When Prohibited Conduct may also constitute criminal conduct, the College encourages individuals to file a report with the Sarasota Police Department or other law enforcement agency with jurisdiction, depending on the location of the incident.

For those reporting to law enforcement, the Sarasota County Sheriff's Office Victim Assistant Unit may also be a helpful resource. The Unit may be contacted at (941) 861-4942 or victimassistance@scgov.net. The Sarasota County Sheriff's Office Victim Assistance Unit provides services to any victim of any crime, including secondary victims and witnesses to crime. In addition, they provide short-term crisis support for persons experiencing traumatic situations that are not crime related (such as suicides). Services include crisis intervention, accompaniment through medical, legal, and judicial appointments related to the victimization,

assistance with filing Injunctions for Protection (restraining orders), assistance in applying for Crime Victim Compensation where applicable, practical assistance, exploration of options, and community information and referral.

If a Complainant needs assistance in filing a report with the Sarasota Police Department, a College staff member is available to assist. The College will not file a police report about the incident on the Complainant's behalf unless compelling circumstances exist. To the extent permitted or required by law, the College will cooperate with law enforcement investigations.

The College's response to a report is not impacted by the Complainant's decision to file a criminal complaint or the outcome of any criminal investigation. Conduct not reported to law enforcement or not criminally prosecuted may still violate College policy. Because the goals and objectives of the Sexual Misconduct and Title IX Policy differ from those of the civil and criminal justice systems, proceedings under the Sexual Misconduct and Title IX Policy are independent of civil and criminal processes and may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

Seeking Medical Assistance

The College encourages individuals who experience sexual assault to consider seeking medical attention through a local hospital or health care provider to address injuries, test for sexually transmitted infections, discuss emergency contraception options, and to preserve evidence in case the individual should choose to file criminal charges through law enforcement. The individual should not wash, shower, urinate, defecate, change clothes or douche prior to such medical assistance, even though that may be the immediate reaction, so as to best preserve evidence.

Medical providers are required to report sexual assaults to police, and any information reported to any police official is public information and is available to the local media. It is, however, the general practice of journalists not to release names of victims of sex offenses. Sarasota Memorial Hospital provides Sexual Assault Nurse Examinations through its Emergency Department to provide specialized care and services to individuals who have experienced sexual assault.

Procedures for Addressing and Responding to Reports and Complaints of Violations of the Sexual Misconduct and Title IX Policy

Ringling College of Art and Design strives to maintain a professional work and academic environment in which all employees and students are treated with respect and dignity. To that end, the College has developed the Procedures for Addressing and Responding to Reports and Complaints of Violations of the Sexual Misconduct and Title IX Policy For Student and Employee Respondents. The Procedures can be found at this link: [\[link\]](#).

Sanctions for Violations of Sexual Misconduct and Title IX Policy

The College takes allegations of violations of the Sexual Misconduct and Title IX Policy seriously. Anyone found to have engaged in Prohibited Conduct under the Sexual Misconduct and Title IX Policy will be subject to disciplinary action, up to and including expulsion or

separation from the College, in accordance with the applicable disciplinary procedures. In addition, the College reserves the right to take reasonable remedial measures in response to reports of violations of the Sexual Misconduct and Title IX Policy.

Privacy & Confidentiality

Under this policy, the concepts of privacy and confidentiality are distinct.

The College will maintain information regarding reports and complaints of violations of the Sexual Misconduct and Title IX Policy as private to the greatest extent practicable and appropriate under the circumstances. The College cannot, however, guarantee confidentiality or anonymity when addressing and responding to reports and complaints of violations of the Sexual Misconduct and Title IX Policy. The College is committed to protecting the privacy of all individuals involved, and will balance the individual privacy with the College's obligation to respond appropriately to the alleged violations of this policy, to protect the involved individuals and the broader community, and to maintain an environment free from Prohibited Conduct.

Individuals may seek Confidential Resources, in addition to or instead of making reports to the College. Such Confidential Resources may be helpful in assisting an individual in determining whether and how to make such reports.

Available Confidential Resources at the College for Students include:

Campus Chaplain (confidential)

Office Location: Ulla Searing Student Center, Second Floor
(941) 309-0200

Peterson Counseling Center (confidential)

Office Location: Health Center
(941) 893-2855

Health Center (confidential except must report sexual assaults to police)

Office Location: Health Center
(941) 309-4000

For employees, the College provides an employee assistance program at no cost. This confidential assistance program provides the opportunity to speak with a professional counselor up to 6 times per issue and can be reached at by calling (800) 624-5544.

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

Educational and Prevention Programs

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

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

Glossary of Terms

For the purposes of the Sexual Misconduct and Title IX policy, the following terms and definitions apply:

Act of Violence: Acts of violence may include, but are not limited to:

- Recklessly causing bodily injury;
- Attempts to cause bodily injury; and
- Causing fear of immediate, physical harm through threat of force.

Actual Knowledge: The College has actual knowledge of allegations of Title IX Sexual Harassment when notice of such allegations is provided to a Title IX Coordinator or any of the following College officials who have the authority to institute corrective measures on behalf of the College: President, Senior Vice President for Student Life and Dean of Students, and the Assistant Vice President and Director of Human Resources. The actual knowledge standard is not met when the only official of the College with actual knowledge is the Respondent.

Complainant: A Complainant is defined as an individual who is reported to have experienced Prohibited Conduct.

Consent: Consent, also referred to as affirmative consent, is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent. Seeking and receiving consent is the responsibility of the person(s) initiating each specific sexual act, regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual activity between parties does not constitute consent to any other sexual act. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent may be initially given but may be withdrawn at any time by outwardly demonstrating such withdrawal by words or actions that clearly indicate a desire to end sexual activity.

When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated. Consent cannot be given when it is the result of force. Consent cannot be given by someone under the legal age to consent.

Dating Violence: Dating Violence is an Act of Violence committed by a person who is or has been in a romantic or intimate relationship with the Complainant.

Domestic Violence: Domestic Violence includes felony or misdemeanor crimes committed on the basis of sex by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth who is protected from that Respondent's acts under applicable law.

Education Program or Activity: The College's Education Program or Activity, includes all of the College's operations, including: locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the conduct occurs; and any building owned or controlled by a student organization that is officially recognized by the College.

Force: Force is the use of physical violence or physical imposition to engage in sexual activity with another person. Force also includes the use of threat, intimidation, or coercion to overcome a person's free will or resistance to freely giving consent. Threat, intimidation and coercion include:

- Actual or implied declarations to inflict physical or psychological harm, to cause damages or to commit other hostile actions to obtain sexual activity from an unwilling participant, and
- Applying unreasonable pressure to obtain sexual activity from an unwilling participant. Unreasonable pressure shall be assessed by factors such as the frequency, intensity, degree of isolation and/or duration of the pressure and must include a real or perceived attack on safety, character, values or morals.

Formal Complaint: A Formal Complaint is a document filed in writing by a Complainant, or signed by the Title IX Coordinator, that alleges Prohibited Conduct against a Respondent and requests that the College officially investigate and resolve the allegation.

Incapacity/Incapacitation: Incapacitation occurs when an individual lacks the ability to knowingly consent to sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), lack of consciousness, intermittent consciousness, being asleep, being involuntarily restrained, physical helplessness, or from temporary or permanent mental impairment. A person is incapacitated when the person's perception or judgment is so impaired that the person lacks the cognitive ability to make, understand or act on considered decisions.

Incapacitation is not the same as an alcohol-induced "blackout." An alcohol-induced blackout is defined as a lack of memory for events occurring after consuming alcohol without a loss of

consciousness. A blackout is memory loss during a period of impairment without the loss of other skills.

Factors that may be used to determine incapacitation include, but are not limited to:

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

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

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

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

Parties: The Complainant(s) and Respondent(s) are referred to collectively in this Policy as the Parties.

Prohibited Conduct: Prohibited Conduct includes Sexual Harassment, Sexual Exploitation, Sexual Assault, Dating Violence, Domestic Violence, Stalking, Title IX Sexual Harassment, and Retaliation.

Respondent: A Respondent is defined as an individual who is reported to have committed Prohibited Conduct.

Retaliation: Retaliation is an adverse action against an individual because the individual in good-faith made a report of a violation of this Policy, opposed conduct prohibited by this Policy, or participated in an investigation into alleged conduct prohibited by this Policy.

Sexual Assault: Sexual Assault is a forcible or non-forcible sex offense including:

- Penetrative Sexual Assault, Fondling, Incest, and Statutory Rape.

Sexual Exploitation: Sexual Exploitation is when an individual takes non-consensual or abusive sexual advantage of another, for their own benefit, or to benefit anyone other than the one being exploited, where that behavior does not otherwise constitute one of the other Prohibited Conduct under this Policy.

Sexual Harassment: Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct based on sex under certain circumstances.

Sexual Misconduct: Sexual Misconduct is a broad term that includes Dating Violence, Domestic Violence, Sexual Assault, Sexual Exploitation, Sexual Harassment, and Stalking.

Stalking: Stalking is engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person with similar characteristics under similar circumstances to fear for the person's safety or the safety of others, or to suffer substantial emotional distress.

Title IX Sexual Harassment: Title IX Sexual Harassment refers to Sexual Assault, Dating Violence, Domestic Violence, or Stalking, subject to the jurisdictional requirements set forth in the Prohibited Conduct section of this Policy.

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