

## **Copyright Material and Infringement**

Network Usage- The network is to be used in accordance with the mission of Sunstate Academy as a tool to enhance education and is not available for unrestricted use for other purposes. The following policies address the proper use of Sunstate Academy's network. These policies are subject to change.

- Unauthorized networking equipment (such as routers and wireless access points, etc.) is prohibited from use on the network. Network services and wiring may not be modified or extended beyond their intended use. This policy applies to all institutional network infrastructure and services.
- Users may not manually assign an IP address to any network device. Doing so may disrupt connectivity for other users.
- Users of the Sunstate Academy network may not provide access to resources on the local network to anyone outside of Sunstate Academy for any purpose unless accomplished by means approved by the Campus Director.
- Computer names, computer descriptions, and messages broadcast across the network should not be defamatory, lewd, or obscene.
- Federal law prohibits the transmission (sharing) of copyrighted materials without express written permission from the copyright holder. Copyrighted works (including but not limited to original writings, software, movies and music) may not be shared on the local network without written permission of the copyright holder. Per Title 17 and Title 18 of US Code, penalties may include up to \$150,000 in civil liability and up to five years in prison for a first offense.
- Sunstate Academy prohibits the installation of peer-to-peer software such as but not limited to KaZaA, Napster, Gnutella, FreeNet, WinMX, Morpheus, AOL Messenger-AIM, MSN Messenger, ICQ, on any computing device connected to the institution's network. Sunstate Academy reserves the right to restrict access to any service detrimental to Sunstate Academy's technology resources. Attempts to bypass these restrictions will be considered a violation of this policy.
- Sunstate Academy does not allow network users to run unauthorized SMTP, DHCP, or directory services on any networks.
- Defective, malfunctioning, compromised or misconfigured equipment on the network will be disabled without prior notification.
- Unauthorized registration of a domain to a Sunstate Academy IP address is prohibited. This includes but is not limited to direct DNS resolution and DNS aliasing.
- Unauthorized hardware and/or software used to detect and/or exploit network vulnerabilities are forbidden on Sunstate Academy networks.
- Forgery or other misrepresentation of one's identity via electronic or any other form of communication is prohibited regardless of intent.
- Violation of these policies will result in penalties up to and including expulsion.

**DISCLAIMER** From time to time this Technology Systems Usage Policy and related policies may be revised. The latest official copy of this policy is available from the Information Technology Services.

As most students know by now, record and motion picture companies are suing college students across the country for downloading and sharing music and movie files without the copyright holder's permission.

So what does this mean, exactly?

It means that when you download music and movie files from the internet, unless you know for sure that the file isn't copyrighted, or receive permission from the copyright holder, you are taking a big chance, and can safely assume you are committing copyright infringement.

Downloading or distributing copyrighted material without the express permission of the copyright owner is copyright infringement, and is against the law. Unless you receive actual express permission from the copyright owner, assume you do not have permission to download or share the file.

If you illegally download or share copyrighted material such as music or movie files, you could face legal action from the owner of the copyright for the work, which could mean many thousands of dollars in fines, as well as college disciplinary action.

#### Does it matter that you didn't know you were "sharing" the file?

No, it doesn't. Copyright infringement under federal law does not require intent, or even knowledge, on the part of the alleged infringer. Also, keep in mind that simply downloading a music or movie file without permission, whether it's shared, or not, is illegal. And again, if you share such a file without permission, whether you knew or intended to share it, or not, you can be held liable for copyright infringement under federal copyright law.

Because programs such as Limewire, BitTorrent and Grokster are designed to allow for the sharing of files pretty much automatically-that's why they're called "peer-to-peer" programs-whenver you download a file using their software, it's probably going to be stored so that it can be accessed by anyone else having that software.

Many of the files found on such sites are made available for downloading and sharing without the copyright holder's permission. To protect themselves from liability, Limewire and other such peer-to-peer programs include a disclaimer stating that they do not condone copyright infringement, and disclaiming any liability for downloading and sharing of files in violation of copyright law. In other words, they are making such files available to their users, but disclaim any copyright infringement liability which might result from files being downloaded and shared without the copyright holder's permission.

Again, by downloading and sharing a file you should assume you are committing copyright infringement, unless you have clear and express permission from the copyright holder.

#### How do people get caught, and why are colleges being targeted?

The Recording Industry of America (RIAA), a trade group made up of record labels such as Sony and RCA, is leading the charge in targeting university and college students in an attempt to curb what it deems to be illegal file sharing.

The RIAA and other copyright holders use automated methods to identify infringements, and even small amounts of sharing can be detected and tracked to students' IP addresses.

The IP (Internet Protocol) address is assigned to each user by the ISP (Internet Service Provider).

Sunstate Academy and other colleges and universities across the country are easy targets for the detection of illegal file sharing. Why? First, university and college ISP's tend to provide internet access at very high speeds, which facilitates quick and easy downloading and sharing of files. Second, college students are the demographic most likely to take advantage of free downloading and sharing of files.

The bottom line is that if you download music and movie files, you're probably breaking the law and setting yourself up for, at best, a costly settlement and, at worst, a very costly civil lawsuit.

#### How costly will it be if you're caught committing copyright infringement?

Currently, the RIAA is seeking \$750.00 per illegally downloaded file in cases that don't settle before a complaint is filed in federal court. Thus, if you download only ten songs, you may be responsible for \$7,500.00.

Then there is the settlement process, which isn't cheap either.

## **Drug and Alcohol Abuse Prevention**

Statement on the unlawful possession, use, or distribution of illicit drugs and alcohol

The Sunstate Academy standard of conduct is that no student or employee will report to Sunstate Academy under the influence of or unlawfully possess, use, or distribute illicit drugs and alcohol on campus property or as part of any Sunstate activities.

### **Legal Sanctions**

State law prohibits the possession of alcoholic beverages by persons under age 21, punishable for the first offense by a definite term of imprisonment not exceeding 60 days and/or a \$500 fine, and for a subsequent offense by a definite term of imprisonment not exceeding 1 year and a fine of \$1,000. It is similarly prohibited and punishable to distribute alcohol to minors.

State law makes it a crime for any person to possess or distribute illicit drugs (controlled substances as described in Section 893.03, Florida Statutes) under Section 893.13, Florida Statutes. Law provides certain limited exceptions. The crimes range from second-degree misdemeanors (up to 60 days imprisonment and up to a \$500 fine) to first-degree felonies (up to 30 years imprisonment and up to \$10,000 fine).

Trafficking (distributing specified large quantities of various controlled substances under Section 893.03, Florida Statutes) under Section 893.135, Florida Statutes is punishable, depending on the particular illicit drug, quantity involved and location, by a minimum term of imprisonment of 3 to 30 years and a fine of \$25,000 to \$500,000.

Federal trafficking penalties for first offenses, depending upon the illicit drug involved, range from not more than 1 year imprisonment and a fine of not more than \$100,000 for an individual to 40 years to life imprisonment and a fine of not more than \$200,000 for an individual to not less than life imprisonment and a fine of not more than 8 million dollars for an individual.

### **Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol**

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. Moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including murder, rape, armed robbery, vandalism, spouse and child abuse, and drunk driving. Moderate to high doses of alcohol can cause marked impairment in higher mental functions, severely altering a person's ability to learn and remember information. Heavy use may cause chronic depression and suicide, and is also greatly associated with the abuse of other drugs. 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 described. The use of even small amounts of alcohol by pregnant women can damage their fetus.

Long term heavy alcohol use can cause digestive disorders, cirrhosis of the liver, circulatory system disorders and impairment of the central nervous system, all of which may lead to an early death.

Repeated use of alcohol can lead to dependence, particularly in persons with one or more parents or grandparents who were problem drinkers. At least 15-20% of heavy users will eventually become problem drinkers or alcoholics if they continue drinking. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms including severe anxiety, tremors, hallucinations and convulsions, which can be life threatening.

All illicit drugs are health threatening. Examples include: cannabis - impairment of short-term memory and comprehension and ability to perform tasks requiring concentration, lung damage, paranoia and possible psychosis; narcotics, depressants, stimulants and hallucinogens - nervous system disorders with possible death the result of an overdose. Illicit inhalants can cause liver damage. Dependence and addiction are a constant threat to users. AIDS is widely spread among intravenous drug users.

### **Available Rehabilitation and Treatment**

Drug and alcohol counseling and rehabilitation referrals are available through the Director of Student Services, (727) 538-3827

In addition, help is also available through the following:

Alcoholics Anonymous  
(727) 530-0415

Narcotics Anonymous  
(727) 547-0444

Counseling Services at Suncoast Center, Inc. and Rape Crisis Center of Pinellas  
(727)-530-7273

## **School Sanctions**

The unlawful manufacture, possession, use or distribution of any drugs and/or alcohol is strictly prohibited by Sunstate Academy. Any drug statute conviction from a violation occurring at Sunstate Academy or during any school related activities will result in immediate termination from the academy. Sunstate Academy will enforce a drug free school and workplace and will have the right to act in any or all, but not limited to, the following manners: conference with student or employee verbally, notify student/employee or treatment centers, suspension/termination, referral for prosecution to local/state law enforcement.

It will be determined how any such case will be handled on a case-by-case basis. A disciplinary committee, led by the Campus Director, will determine at which point each action will be enforced.

## **Emergency Response/Evacuation Procedures**

In the event of an emergency, students, faculty and staff will be notified via text message. Sunstate Academy will perform an annual test of the emergency/evacuation text messaging system. All students are responsible for updating their telephone numbers with the Administrative Coordinators.

## **Active Shooter Plan**

Any event where a *firearm or any other weapon* is known to be involved, all employees and students are asked to contact the Campus Director and notify them of the situation.

- If confronted by an armed/violent intruder, do *not* resist and follow their instructions.

- If 911 has not been contacted, call 911 immediately and inform them of the following:
  - What is going on
  - Location of incident
  - What type of weapon is involved
  - How many people are involved
- If scene is not safe, stay out of danger area and wait for police to arrive
- If 911 **has been** called, **and the scene is safe**, evacuate all employees and guests from the area.
- Complete a detailed incident report
- Forward incident report to the Campus Director

## **Natural Disaster Plan**

Campus Directors monitor the National Weather Service. In the event of impending severe weather at the facility, the following will occur:

- If a Hurricane Warning or Watch (defined below) takes place outside of normal business hours the Campus Director will determine if the campus will be closed. If the campus is closed all students, faculty, and staff will be notified via text message.
- If a Hurricane Warning or Watch takes place during normal business hours the Campus Director will determine if the campus will be closed. Each student, faculty, and staff member will be notified verbally or via text that the campus will be closing.
- If severe weather or any other natural disaster occurs during normal business hours the Campus Director will determine if the students, faculty and staff need to move away from the windows and move to a designated “Severe Weather Area” in the school.

**Hurricane Watch** – hurricane conditions (sustained winds of 74 mph or higher) are **possible** within the specified area. A **hurricane watch** is issued 48 hours in advance of the anticipated onset of tropical-storm-force winds in an area.

**Hurricane Warning** – hurricane conditions (sustained winds of 74 mph or higher) are **expected** within the specified area. A **hurricane watch** is issued 48 hours in advance of the anticipated onset of tropical-storm-force winds in an area

## **Bomb & Terrorist Plan**

All bomb threats should be treated as though they are real. In the event that a bomb threat is received, the following steps should be taken:

- If a bomb threat has been received at the facility, the Campus Director shall initiate an emergency evacuation of the facility.
- Call 911 and report the bomb threat.
- If the bomb threat has been received via phone, the person taking the call should remain calm and obtain as much information from the caller as possible including the following:
  - How many bombs are there?
  - Where are they located?
  - When are they set to explode?

## **Graduation and Employment Rates**

The following graduation and employment rates listed below are reported annually to the Accrediting Commission for Career Schools and Colleges (ACCSC). The rates were reported in October 2018.

Program	Students who started and are Eligible for Graduation	Number of Students who Graduated	Graduation Rate	Number of Graduates Eligible for Employment	Number of Students Employed in their field of Study	Employment Rate	Date Students Started Program
Cosmetology (13 month)	60	37	62%	37	26	70%	September 1, 2015-August 31, 2016
Cosmetology (15 month)	29	15	52%	15	12	80%	June 1, 2015- May 31, 2016
Barber Styling	28	24	86%	24	18	75%	June 1, 2015- May 31, 2016
Spa Therapies	37	30	81%	30	21	70%	January 1, 2016 to December 31, 2016
Massage Therapy	37	30	81%	30	23	77%	June 1, 2016- May 31, 2017
Full Specialty	41	30	73%	30	23	77%	June 1, 2016- May 31, 2017
Nail Technician	11	10	91%	10	8	80%	December 1, 2016 - November 30, 2017

## **Family Education Rights and Privacy Act (FERPA)**

In compliance with Public Law 93-380, "The Family Educational Rights and Privacy Act" (FERPA), the Academy has adopted policies and procedures which give students the opportunity to view their educational records upon request. Educational records mean those files, documents, and other material that contains information directly related to a student. Educational records do not include working papers concerning students, such as informal notes and other temporary notes of a similar nature that are in the sole possession of the faculty or staff and are not accessible or revealed to any other person. The College will not permit access to, or the release of, confidential information to any individual or agency without the express written consent of the student except as follows:

- to other school officials who have educational interest in the information
- to officials or another school where the student seeks or intends to enroll or is enrolled, representatives of the Comptroller General of the United States, the Secretary of Education or State and local educational authorities relating to financial aid and is necessary to determine eligibility for aid, determine amount of aid, determine conditions for the aid, enforce the terms and the conditions of the aid
- to State officials if required by State statute

- to organizations, conducting studies for educational agencies or institutions to develop, validate, or administer student aid programs or improve instruction. No personally identifiable information will be released except to representatives of the organization and the information provided to the organization will be destroyed when no longer needed for the study
- to accrediting agency to carry out accrediting functions
- to parents of a dependent student
- to comply with a judicial order or subpoena
- to meet a health or safety emergency
- to an alleged victim of a crime or violence regarding the final results of disciplinary proceedings against the alleged perpetrator of the crime

All disclosures of information will be recorded in the file and will include parties receiving information and the legitimate interests of the parties for inspection of the records.

Personally identifiable information which is designated as directory information includes a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities, degrees and awards received and the most recent previous educational agency of institution attended.

Such Directory Information may be disclosed by the Academy for any purpose, at its discretion. Currently enrolled students may withhold the disclosure of any category of information under the Family Educational Rights and Privacy Act of 1974, as amended. To withhold disclosure, written notification must be received in the Campus Director's office prior to the end of the second week in which the student begins classes.

Sunstate Academy assumes that failure on the part of any student to specifically request the withholding of Directory Information indicates individual approval for disclosure. For additional information regarding the Family Educational Rights and Privacy Act of 1974, please contact the

Family Policy Compliance Office  
 U.S Department of Education  
 400 Maryland Avenue  
 Washington, D.C 20202-5901

Students may request to inspect and review his or her education records in writing to the Campus Director. They may also request, in writing to the Campus Director, if they are seeking amendments of their student records.

## **High School Diploma-Determining the Validity**

For admittance in accordance with our accrediting commission, ACCSC, Sunstate Academy requires all students to provide evidence that the applicant possesses one of the following: a High School Diploma, a GED equivalent, a home-study certificate or transcript from a home-study program that is equivalent to high school level and is recognized by the student's home state or demonstrates the ability to benefit with passing scores on the Wonderlic Basic Skills examination. An applicant to any program who has not yet obtained a GED or who cannot provide proof of graduation may obtain GED testing information from the Admissions Department.

In the event that the validity of a high school diploma is questioned, these guidelines should be followed to help determine whether Sunstate Academy may accept the diploma or if the student must take the Wonderlic test to satisfy this requirement or the student may successfully complete 225 clock hours of instruction in his/her program at his or her own expense.

'Diploma Mill' is a term that refers to any entity that offers, for a fee, degrees, diplomas, or certificates, that may be used to represent to the general public that the individual possessing such a degree, diploma, or certificate has completed a program of education or training; and requires such individual to complete little or no education or

coursework to obtain such degree, diploma, or certificate; and lacks accreditation by an accrediting agency or association that is recognized as an accrediting agency.

Sunstate Academy keeps a record of any institutions known to be diploma mills and partners with Hart Investigations to ensure its practices result in fair and impartial assessments. If a high school's validity is in question either by the Secretary of Education or the institution, Sunstate Academy will consider the following factors:

- The institution's website: are there indicators of education for a fee, correspondence (mail-in) training and testing as well as any other unusual inconsistencies? Does the institution require little coursework or little attendance to obtain a credential?
- Does the institution provide information about its corporation's location, its governance, or ownership
- Does the institution provide little or no contact information other than a telephone number or email address?
- Does the institution publish false or exaggerated claims of external quality review?
- If the institution does not have a website, the institution will need to be contacted by phone. If the institution cannot be contacted by internet or phone, this is an indication that the high school diploma is valid;
- Review high school transcripts to verify the extent of the coursework involved for the diploma the applicant is presenting;
- Determine the length of time to completion. How does this time frame correlate to the amount of coursework needed to complete high school?

The determination of the validity of a high school diploma is a collective effort based on a variety of factors. The Campus Director and the Director of Compliance & Oversight will make the final decision after taking into account the results of the research, including the use of outside agencies.

## **The Institutional Refund Policy:**

a) Applicants requesting a refund after three business days or before class-starting date shall receive a refund of all monies paid.

b) Each student has a two week add/drop period. During this time if student has started school but completed less than 2 weeks the school refunds 100% of tuition and student service fee. The student is still responsible for paying for the student kit.

c) If student's scheduled hours as of last day attended is greater than 2 weeks and less than 10% of the term length the school refunds 80% of tuition. The student is still responsible for paying for the student kit and student service fee.

d) If student's scheduled hours as of last day attended is 11%-20% of the term the school refunds 70% of tuition. The student is still responsible for paying for the student kit and student service fee.

e) If student's scheduled hours as of last day attended is 21%-30% of the term the school refunds 60% of tuition. The student is still responsible for paying for the student kit and student service fee.

f) If student's scheduled hours as of last day attended is 31%-49% of the term the school refunds 50% of tuition. The student is still responsible for paying for the student kit and student service fee.

g) If the student's scheduled hours as of last day attended is 50% or greater there is no refund.

Special Cases: In case of prolonged illness or accident, death in the family, or other circumstances, which make it impractical to complete the program, the school shall make a settlement, which is reasonable and fair to both parties.

**All refunds, either to financial assistance programs (if applicable) or to the student, will be made within 30 days of the date the student officially withdraws or is terminated or within 30 days of the date the institution has determined that the student withdrew.**

## **Federal Return of Title IV Funds Policy**

For each Title IV aid recipient who terminates/withdraws, the school must calculate the amount of Title IV assistance the student has earned which is determined on a pro rata basis. The amount of aid that was disbursed or could have been disbursed for the payment period (or the period of enrollment) is multiplied by the percentage of scheduled clock hours up to the last date of attendance (date of withdrawal) divided by the clock hours in the payment period or period of enrollment. Once the student has completed 60 percent of the payment period or period of enrollment, the student has earned 100 percent of the assistance. If the amount earned is greater than the amount disbursed or could have been disbursed, the student may be eligible for a post-withdrawal disbursement. If a student is eligible for a post-withdraw disbursement, the school will confirm with the student or parent in the case of a PLUS loan, that they want a portion or all of the post-withdraw disbursement of the loan. If the amount earned is less than the amount disbursed or could have been disbursed, then the school and perhaps the student will be required to return Title IV funds back to the federal account(s). If the student is required to return loan funds (or the parent, in the case of a PLUS Loan), the student/parent must repay any unearned funds that the school did not return in accordance with the terms and conditions of the Master Promissory Note. If the student is required to return grant funds, he/she must return any grant funds that are in excess of 50 percent of the amount of grant(s) received. Federal regulations require the return of Title IV funds in the following order, as applicable:

1. Unsubsidized Direct Stafford Loans (other than PLUS loans)
2. Subsidized Direct Stafford Loans
3. Direct Plus Loans

If any funds remain after repaying all loan amounts, those remaining funds must be credited in the following order:

1. Federal Pell Grants for which a return of funds is required
2. Federal Supplemental Educational Opportunity Grant (FSEOG) for which a return of funds is required.
3. Other assistance under this title for which a return of funds is required

## **Satisfactory Academic Progress**

Students must maintain satisfactory academic progress in order to remain eligible for Title IV funds and to be enrolled at Sunstate Academy. In order to maintain satisfactory academic progress a student must maintain a specified grade average and proceed through the program of study at a specified minimum pace. Satisfactory academic progress (qualitative and quantitative) will be checked at the end of each payment period for all students, including those who do not participate in financial aid programs, and is determined by the following criteria:

An cumulative grade average of 75% must be maintained. If a student misses an exam, the student will receive a zero and has to retest until a passing grade is achieved. If a student receives a failing grade on a theory exam, the student is required to retest until a passing grade is achieved. The passing grade takes the place of the failing grade. Students must receive a passing grade prior to the satisfactory academic progress checkpoint to assure they are maintaining satisfactory academic progress.

A cumulative attendance average of 67 % of scheduled hours must be maintained.

## **INCOMPLETE /WITHDRAW GRADES AND REMEDIAL COURSES**

Sunstate Academy does not assign incomplete or withdrawal grades nor does it offer or recognize remedial course work.

## **TRANSFER CLOCK HOURS**

A student, who has been awarded transfer clock hours from another institution or from a previous enrollment at Sunstate Academy, will receive the transfer hours as both scheduled and actual clock hours.

## **MAXIMUM TIME FRAME**

Students must complete their program within a specified period. Upon enrollment, each student will be informed of his or her maximum time frame to complete the program. The maximum time frame shall not exceed 1.5 times the number of clock hours required to complete the program. In the event a student must change his/her contracted schedule, the student's maximum time frame will be adjusted accordingly. Students approved for Veterans training must complete the program within the VA approved time frame.

## **FINANCIAL AID WARNING**

Students not meeting either the qualitative or quantitative standards described above when satisfactory academic progress is measured at the end of each payment period, will be placed on Financial Aid Warning. During the Financial Aid Warning status, the student is eligible for Title IV funding for the next payment period. Failure to achieve the minimum cumulative grade point average and/or the cumulative attendance average at the end of the Financial Aid Warning period will lose financial aid eligibility and will be terminated from Sunstate Academy. The student may follow the procedure outlined below if they wish to appeal to loss of eligibility and termination from the institution.

## **NOTIFICATION**

A student who is not meeting Satisfactory Academy Progress will be notified of his/her status in writing. The notification will be given to the student in person, when possible, and mailed to his/her home address when it is not possible to be delivered in person.

## **APPEAL PROCESS**

A student who loses financial aid eligibility and is terminated from Sunstate Academy due to lack of satisfactory academic progress following the period of Financial Aid Warning, may appeal the decision. The basis on which to appeal must be due to mitigating circumstances that the student feels deserve further consideration, i.e., death of a relative, injury or illness or other special circumstances.

The student who wishes to appeal must submit a letter, along with documentation to the Campus Director describing the mitigating circumstances and what has changed in the student's situation that will allow the student to demonstrate satisfactory academic progress at the next evaluation. The student has five (7) business days to submit the appeal documentation to the Campus Director to be reviewed for consideration.

An appeal decision will be made by the institution within ten (10) business days of the submission of the appeal. The student will be notified in writing of the decision of the appeal. A student who is allowed to return must achieve and maintain satisfactory progress as described above. The circumstances concerning a student's appeal are considered on an individual basis.

## **REESTABLISHING SATISFACTORY ACADEMIC PROGRESS**

To reestablish satisfactory academic progress, the student must bring his/her cumulative grade point average and/or attendance percentage levels up to the satisfactory academic standards by the end of the payment period or the student will lose financial aid eligibility and will be terminated from Sunstate Academy.

## **Students with Disabilities**

A student desiring an academic adjustment / accommodation must submit current documentation as required by the Criteria for Disability Documentation to the Campus Director. The documentation should state, as determined by an appropriate licensed professional, what reasonable adjustments / accommodations are needed by the student.

## **Transfer of Hours**

Our programs are designed with a single terminal objective--preparation for entry-level employment in the field of training. A student who desires to further his education after completing training at Sunstate Academy is advised that acceptance of transfer hours is at the discretion of the receiving institution. Prospective students are advised to obtain information from all institutions they expect to attend in order to understand each institution's transfer acceptance policies. It is the student's responsibility to confirm whether or not hours will be accepted by another school of the student's choice. An institution's accreditation does not guarantee credits earned at that institution will be accepted for transfer.

## **Campus Safety and Security Report**

In compliance with the student Right-To-Know and the Campus Security Act, Sunstate Academy has prepared this information on crime awareness and campus security for all students and employees, and applicant for enrollment or employment.

I. Campus policies regarding procedures for reporting criminal actions or other emergencies occurring on campus.

A. Student or employees witnessing or involved in any kind of criminal action

Or emergency on campus shall report this action to their Instructor or Program Manager. If the Instructor or the Program Manager is unavailable,

Then report to the Campus Director.

B. All such reports shall be given to the Campus Director who will take actions as necessary. This includes, but is not limited to:

- (1) Calling emergency services as required
- (2) Reports to the local authorities or jurisdiction
- (3) Referral of student or employee to agencies to receive necessary assistance.
- (4) Collecting and maintaining a file of all such reports.

II. Policies concerning security and access to campus facilities.

A. The campus area is accessible only during normal business hours. Responsible management personnel will be available on campus during all normal business hours to ensure timely reaction to any and all incidents reported.

B. Sunstate Academy does not own or control any housing, but all students and employees are advised to check with apartment managers and or local law enforcement agencies as to residence security.

Maintenance of campus facilities is considered to be of the highest Priority.

All campus facilities will be maintained in a manner to ensure a safe and secure workplace.

III. Policies concerning campus law enforcement.

A. Sunstate Academy campus law enforcement is enforced by local law enforcement agencies.

B. Students or employees who witness or are involved in any kind of criminal action or emergency and do not report the crime or emergency promptly may be subject to termination from enrollment or employment.

IV. An orientation is held with new students and employees to inform them about campus security procedures and practices, and to encourage them to be responsible for their own security and the security of others. Instructors and the Administrative Staff will continue to remind students and employees of their need to remain security conscious throughout their enrollment or employment.

V. Sunstate Academy has a policy to inform students and employees about crime prevention and is a one on one Instructor to Student, Supervisor to employee communication and the need to be security conscious.

VI. Statistics concerning the occurrence on campus from January 1, 2015 to December 31, 2017 of the following criminal offenses reported to campus security authorities or local police agencies:

	On Campus			Adjacent Properties		
	2015	2016	2017	2015	2016	2017
Murder/Non-negligent manslaughter	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0

Sexual Offenses, forcible, non-forcible	0	0	0
Robbery	0	1	0
Aggravated Assault	0	0	0
Burglary/Breaking and Entering	0	0	0
Arson	0	0	0
Hate Crimes	0	0	0
Arrests	0	0	0
Disciplinary Actions	0	0	0

0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0

VII. Sunstate has no recognized off-campus student organizations.

VIII. Statistics concerning the number of arrests and referrals for disciplinary action for the following crimes occurring on campus:

	On Campus		
	2015	2016	2017
Liquor Law Violations	0	0	0
Drug Abuse Violations	0	0	0
Weapons Possession Violations	0	0	0

	Adjacent Properties		
	2015	2016	2017
0	0	0	
0	0	0	
0	0	0	

IX. Statistics concerning VAWA Offenses:

On Campus		
2015	2016	2017

Adjacent Properties		
2015	2016	2017

Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

0	0	0
0	0	0
0	0	0

X. Drug and Alcohol Abuse Programs available to students and Employees, as required by the Higher Education Act:

Available Rehabilitation and Treatment

Drug and alcohol counseling and rehabilitation referrals are available through the Director of Student Services, (727) 538-3827

In addition, help is also available through the following:

- Alcoholics Anonymous- (727) 530-0415
- Narcotics Anonymous- (727) 574-0444
- Counseling and Referral Service, Suncoast Center, Inc. and Rape Crisis Center of Pinellas at (727) -530-7273

Off-site counseling, mental health and other services for victims of sex offenders are available locally through Suncoast Center, Inc. and Rape Crisis Center of Pinellas at 727 -530-7273.

XI. Any student or employee who is involved in the following will be subject to Disciplinary actions, up to and including suspension or termination from the institution:

- A. Engages in vandalism or theft of school or student property
- B. Acts in an obscene, vulgar or abusive manner
- C. Attends school under the influence of or participates in the use or sale of a controlled, illegal or intoxicating substance.

XII. Should a sex offense occur, procedure will be followed, including who to Contact, the importance of preserving evidence, options for the notification of Local law enforcement officials, available counseling and any other services for victims, procedures for disciplinary actions and possible sanctions. The sexual assault prevention program will be available.

XIII. Should any crimes occur that are considered to represent a threat to Students and/or employees, they will be reported to local law enforcement in a timely manner so as to protect the Safety of staff and students.

XIV. Emergency Response/Evacuation Procedures- In the event of an emergency, students, faculty and staff will be notified via text message. Sunstate Academy will perform an annual text of the emergency/evacuation text messaging system. All students are responsible for updating their telephone numbers with the Administrative Coordinators.

XV. Registered Sexual Offenders- Individuals can find those individuals who are registered sex offenders from the Florida Department of Law Enforcement's website.

<http://offender.fdle.state.fl.us/offender/searchNeighborhood.do?actionPerformed=neighborhoodSearchMain>

## **SUNSTATE ACADEMY OF COSMETOLOGY AND MASSAGE**

### **SEXUAL MISCONDUCT POLICY**

**&**

### **PROCEDURES FOR RESPONDING TO SEXUAL MISCONDUCT**

**Revised June 15, 2015**

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# **SUNSTATE ACADEMY OF COSMETOLOGY AND MASSAGE**

## **CAMPUS SEXUAL MISCONDUCT POLICIES**

### **1. Introduction**

The Sunstate Academy of Cosmetology and Massage is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the Sunstate Academy community should be aware that the school is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

As part of Sunstate Academy's commitment to providing a working and learning environment free from sexual misconduct, this Policy shall be disseminated widely to the school community through publications, the school website, new employee orientations, student orientations, and other appropriate channels of communication. Sunstate Academy provides training to key staff members to enable the school to handle any allegations of sexual misconduct promptly and effectively. Sunstate Academy will respond quickly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

### **2. Scope of the Policy**

This Policy governs sexual misconduct involving students that occurs on any Sunstate Academy property or in connection with any school-sponsored program or event. This Policy applies to all students, employees, and third parties conducting business with Sunstate Academy, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. Sunstate Academy encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the school can respond appropriately. As further described in this Policy, Sunstate Academy will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

### **3. Prohibited Conduct**

Sexual misconduct comprises a broad range of behaviors focused on sex that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, which is a form of sexual misconduct under this Policy. Sexual harassment and

sexual exploitation, stalking, domestic violence, and dating violence are also forms of sexual misconduct. Intimidation for one of these purposes is sexual misconduct, as is retaliation following an incident of alleged sexual misconduct or attempted sexual misconduct. The definitions for specific acts of sexual misconduct can be found in the Definitions of Key Terms at the end of this Policy statement.

Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. **This Policy prohibits all forms of sexual misconduct.**

#### **4. Options for Assistance Following an Incident of Sexual Misconduct**

Sunstate Academy strongly encourages any victim of sexual misconduct to seek immediate assistance. Seeking prompt assistance may be important to ensure a victim's physical safety or to obtain medical care. Sunstate Academy strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

##### **Reporting Incidents of Sexual Misconduct.**

Victims of sexual misconduct may file a report with the Clearwater Police Department (Clearwater Campus) or the Fort Myers Police Department (Fort Myers Campus). Victims may also file a report with the Title IX Coordinator for their respective campus. More information about reporting an incident of sexual misconduct can be found in Section 6 of this Policy, below.

The victim of the sexual assault may choose for the investigation to be pursued through the criminal justice system and Sunstate Academy's disciplinary procedures. The school and the criminal justice system work independently from each other. Law enforcement officers do not determine whether a violation of this Policy has occurred. The campus Title IX Coordinator will guide the victim through the available options and support the victim in his or her decision.

##### **Support Services Available.**

Counseling, advocacy and support services are available for victims of sexual misconduct, whether or not a victim chooses to make an official report or participate in the school's disciplinary or criminal process. Sunstate Academy does not provide counseling or health care services. Personal counseling offered by Sunstate Academy will be limited to initial crisis assessment and referral.

Sexual misconduct crisis and counseling options are available locally and nationally through a number of agencies, including:

**National Resources:**

National Sexual Assault Hotline - 800-656-4673

National Domestic Violence Hotline - 800-799-7233

**Local Resources (Clearwater):**

Suncoast Center, Inc.

24-hour Rape Crisis hotline: 727-530-RAPE (7273)

Information or to make an appointment: 727-388-1220

[www.suncoastcenter.org](http://www.suncoastcenter.org)

Crisis Center of Tampa Bay

Dial 2-1-1

Counseling Services: 813-264-9955

[www.crisicenter.com](http://www.crisicenter.com)

Dawn Center of Hernando for Sexual and Domestic Violence Assistance

Hotline: 352-686-8430

[www.dawncenter.org](http://www.dawncenter.org)

**Health Care Services:**

Morton Plant Hospital  
300 Pinellas St  
Clearwater, FL  
727-462-7000

Tampa General Hospital  
1 Tampa General Cir  
Tampa, FL  
813-844-7000

Mease Dunedin Hospital  
601 Main Street  
Dunedin, FL  
727-733-1111

Morton Plant North Bay  
6600 Madison St  
New Port Richey, FL  
727-842-8468

Mease Countryside Hospital  
3231 McMullen Booth Rd  
Safety Harbor, FL  
727-725-6111

**Local Resources (Fort Myers):**

Abuse Counseling and Treatment (ACT) – 888-956-727 or 239-939-3112

C.A.R.E. Inc. – The Center for Abuse & Rape Emergencies, Inc.

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

24 Hour Crisis Hotline: 941-627-6000<sup>[T]</sup><sub>[SEP]</sub>

Englewood Area: 941-475-6465

Hearing/Speech: Impaired Dial 7-1-1<sup>[T]</sup><sub>[SEP]</sub>

Florida Relay: 1-800-500-1119<sup>[T]</sup><sub>[SEP]</sub>

Multilingual Assistance

**Health Care Services:**

Cape Coral Hospital  
636 Del Prado Blvd <sup>[T]</sup><sub>[SEP]</sub>  
Cape Coral, FL 33990

HealthPark Medical Center  
9981 S. HealthPark Drive  
Fort Myers, FL 33908

Golisano Children's Hospital of SWFL  
9981 S. HealthPark Drive  
Fort Myers, FL 33908

Lee Memorial Hospital  
2776 Cleveland Ave.  
Ft. Myers, FL 33901

Gulf Coast Medical Center  
13681 Doctor's Way  
Fort Myers, FL 33912

**Other Services:**

Abuse Counseling & Treatment	239-939-3112
Cape Coral Police Dept. Victim Advocate	941-574-0653
Cape Counseling Services	239-772-5091
Center for Independent Living	239-277-1447
Child Advocacy Center	239-939-2808
Fort Myers Police Dept. Victim Advocate	941-332-6378
H.O.P.E. of Southwest Florida	239-482-4673
Lee County Sheriff Victim Assistance	239-477-1115
Project Help	239-262-7227

Senior Solutions (Elder Services)	239-332-4233
State Attorney Victim Advocate	239-335-2330
State Attorney Witness Coordination	239-335-2626
US Attorney Victim/Witness Services	813-274-6000

The campus Title IX Coordinator will work with all students affected by sexual misconduct to ensure their safety and support their wellbeing. This assistance may include providing accommodations to support or protect a student after an incident of sexual misconduct and while an investigation or disciplinary proceeding is pending. Such accommodations may include the ability to alter class schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). Sunstate Academy may be able to provide additional interim measures to victims while an investigation is pending, such as no contact orders and changing the alleged perpetrator’s class schedule.

**5. Title IX Coordinator**

The campus Title IX Coordinator is responsible for monitoring and overseeing Sunstate Academy’s compliance with Title IX and the prevention of sex harassment, sexual misconduct and discrimination. The Title IX Coordinator is:

- Knowledgeable and trained in Sunstate Academy policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, respondent, or a third party, about Sunstate Academy and community resources and reporting options;
- Available to provide assistance to any Sunstate Academy employee regarding how to respond appropriately to a report of Title IX-related prohibited conduct and related retaliation;
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and
- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to the campus Title IX Coordinator:

**Clearwater Campus:**  
 Lori Stowers  
 2525 Drew Street  
 Clearwater, FL 33765  
 Phone: 727-538-3827  
 email: lstowers@sunstate.edu

**Fort Myers Campus:**  
 Aimee Hammond  
 2040 Colonial Boulevard  
 Fort Myers, FL 33907  
 phone 239-278-1311  
 email: ahammond@sunstate.edu

## **6. Reporting Policies and Protocols**

Sunstate Academy strongly encourages all members of the school community to report information about any incident of sexual misconduct as soon as possible, whether the incident occurred on or off campus. Reports can be made either to the school and/or to law enforcement.

### **Reporting to the Institute**

An incident of sexual misconduct may be reported directly to the campus Title IX Coordinator. If the campus Title IX Coordinator is the alleged perpetrator of the sexual misconduct, the report should be submitted to the Sunstate Academy President. Filing a report with a school official will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

An individual who has experienced an incident of sexual misconduct may report the incident at any time, regardless of how much time has elapsed since the incident occurred. Sunstate Academy is committed to supporting the rights of a person reporting an incident of sexual misconduct to make an informed choice among options and services available.

Sunstate Academy will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any misconduct, prevent its recurrence, and address its effects.

### **Reporting to Law Enforcement**

An incident of sexual misconduct can be reported to law enforcement at any time, 24 hours a day/7 days a week, by calling 911. <sup>[[ ]]</sup><sub>SEP</sub>At the complainant's request, Sunstate Academy will assist the complainant in contacting law enforcement. If the complainant decides to pursue the criminal process, the school will cooperate with law enforcement agencies to the extent permitted by law. A complainant has the option to decide whether or not to participate in any investigation conducted by law enforcement. <sup>[[ ]]</sup><sub>SEP</sub>Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)
- Assure the victim has a referral to confidential counseling from counselors specifically trained in the area of sexual assault

### **Reporting of Crimes & Annual Security Reports**

Campus safety and security are important issues at the Sunstate Academy. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Clery Disclosure of Campus Security Policy and Campus

Crime Statistics Act, or Clery Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual misconduct under this Policy.

Each year Sunstate Academy prepares this report to comply with the Clery Act. The full text of this report can be located on the school's web site at [www.sunstate.edu](http://www.sunstate.edu). This report is prepared in cooperation with the local law enforcement agencies around our campus. Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the Campus Director or by calling 727-538-3827 for the Clearwater Campus or 239-278-1311 for the Fort Myers Campus. All prospective employees may obtain a copy from the Campus Director.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Campus Director constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and Sunstate Academy employees. Notices may also be posted in the common areas throughout the school. Anyone with information warranting a timely warning should report the circumstances to the Campus Director by phone at 727-538-3827 (Clearwater Campus) or 239-278-1311 (Fort Myers Campus) or in person at the school.

### **Third-Party and Anonymous Reporting**

In cases where sexual misconduct is reported to the Title IX Coordinator by someone other than the complainant (by an instructor, classmate or friend, for example), the Title IX Coordinator will promptly notify the complainant that a report has been received. This Policy and the Procedures will apply in the same manner as if the complainant had made the initial report. The Title IX Coordinator will make every effort to meet with the complainant to discuss available options and resources. Reports from an anonymous source will be treated in a similar fashion.

### **No Retaliation**

Sunstate Academy prohibits retaliation against those who file a complaint or third-party report, or otherwise participate in the investigative and/or disciplinary process (e.g., as a witness). The school will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or the Sunstate Academy's President.

### **Coordination With Drug Free School Policy**

Students may be reluctant to report instances of sexual misconduct because they fear being disciplined pursuant to the Sunstate Academy's alcohol or drug policies. The Sunstate Academy encourages students to report all instances of sexual misconduct and will take into consideration the importance of reporting sexual misconduct in addressing violations of the school's alcohol and drug policies. This

means that, whenever possible, the Sunstate Academy will respond educationally rather than punitively to student alcohol or drug policy violations associated with reported sexual misconduct.

## **7. School Policy on Confidentiality**

Sunstate Academy encourages victims of sexual misconduct to talk to somebody about what happened – so victims can get the support they need, and so the school can respond appropriately.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual misconduct. Sunstate Academy encourages victims to talk to someone identified in one or more of these groups.

### **Privileged and Confidential Communications – Professional & Pastoral Counselors**

Professional, licensed counselors and pastoral counselors who provide mental-health <sup>SEP</sup>counseling to members of the community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission. Sunstate Academy does not provide professional or pastoral counseling, but can assist a victim of sexual misconduct in obtaining support services from these groups or agencies. Contact information for these support organizations is listed in Section 4 of this Policy.

A victim who at first requests confidentiality may later decide to file a complaint with Sunstate Academy or report the incident to local law enforcement, and thus have the incident fully investigated.

**NOTE:** While these professional and pastoral counselors and advocates may maintain a victim's confidentiality vis-à-vis Sunstate Academy, they may have reporting or other obligations under state law.

**ALSO NOTE:** If Sunstate Academy determines that the alleged perpetrator(s) pose a serious and immediate threat to the school community, the Campus Director may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

### **Reporting to Title IX Coordinator**

When a victim tells the Title IX Coordinator about an incident of sexual misconduct, the victim has the right to expect Sunstate Academy to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the school's response to the report. The Title IX Coordinator should not share

information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

Before a victim reveals any information to the Title IX Coordinator, the Coordinator should ensure that the victim understands the Coordinator's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the Title IX Coordinator what happened but also maintain confidentiality, the Coordinator should tell the victim that Sunstate Academy will consider the request, but cannot guarantee that the school will be able to honor it.

The Title IX Coordinator will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for Sunstate Academy to fully investigate an incident. By the same token, the Title IX Coordinator will not pressure a victim to make a full report if the victim is not ready to.

### **Requesting Confidentiality From Sunstate Academy: How the School Will Weigh the Request and Respond.**

If a victim discloses an incident to the Title IX Coordinator but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, Sunstate Academy must weigh that request against the school's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If Sunstate Academy honors the request for confidentiality, a victim must understand that the school's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when Sunstate Academy may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

The Title IX Coordinator will evaluate requests for confidentiality. When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, such as:
  - whether there have been other sexual misconduct complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - whether the alleged perpetrator threatened further sexual misconduct or other violence

- against the victim or others;
- whether the sexual misconduct was committed by multiple perpetrators;
- Whether the sexual misconduct was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether Sunstate Academy possesses other means to obtain relevant evidence of the sexual [SEP] misconduct (e.g., security cameras or personnel, physical evidence);
- Whether the victim’s report reveals a pattern of perpetration (e.g., via illicit use of drugs [SEP] or alcohol) at a given location or by a particular group. [SEP]

The presence of one or more of these factors could lead Sunstate Academy to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the school will likely respect the victim’s request for confidentiality. [SEP]

**If Sunstate Academy determines that it cannot maintain a victim’s confidentiality,** the school will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the school’s response. [SEP] Sunstate Academy will remain ever mindful of the victim’s well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or school employees, will not be tolerated. Sunstate Academy will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance;
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to local law enforcement – and provide the victim with assistance if the victim wishes to do so. [SEP]

Sunstate Academy may not require a victim to participate in any investigation or disciplinary proceeding.

Because Sunstate Academy is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the school to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ victimization surveys; and/or revisiting its policies and practices.

**If Sunstate Academy determines that it can respect a victim’s request for confidentiality,** the school will also take immediate action as necessary to protect and assist the victim.

## Miscellaneous

**Take Back the Night and other public awareness events.** Public awareness events such as “Take Back

the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents of sexual violence, are not considered notice to Sunstate Academy of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts.

**Off-campus Counselors and Advocates.** Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with Sunstate Academy unless the victim requests the disclosure and signs a consent or waiver form. Contact information for these off-campus resources can be found in Section 4 of this Policy.

## **8. Investigation Procedures and Protocols**

The Title IX Coordinator oversees the Institute’s investigation, response to, and resolution of all reports of prohibited sexual misconduct, and of related retaliation, involving students, faculty, and staff. The Title IX Coordinator will designate a specially trained investigator (or team of investigators) to interview the complainant, respondent and any witnesses. The investigator will also gather pertinent documentary materials (if any) and other information.

### **Notice of Investigation**

The Title IX Coordinator will inform the complainant before starting an investigation. The complainant may request that an investigation not be undertaken. The Title IX Coordinator will consider such a request in light of Sunstate Academy’s commitment to provide a safe and non-discriminatory environment for all students. If the Title IX Coordinator determines not to investigate, she will notify the complainant in writing, including that the determination was made at the complainant’s request. At the complainant’s request, the Title IX Coordinator will also notify the respondent in writing, including that the complainant asked Sunstate Academy not to investigate. <sup>[L]</sup><sub>[SEP]</sub>

The investigator will direct the complainant, respondent, witnesses and other interested individuals to preserve any relevant evidence.

If an investigation proceeds, Sunstate Academy will notify the respondent in writing that a report has been filed. The notice will describe the allegations in the report. The complainant and respondent will be given the opportunity to meet separately with the Title IX Coordinator to review the Policy and these Procedures.

### **Investigation Process**

Sunstate Academy’s process for responding to, investigating and adjudicating sexual misconduct reports will continue during any law enforcement proceeding. The investigator may need to temporarily delay an investigation while the police are gathering evidence but will resume the investigation after learning that the police department has completed its evidence-gathering and will generally not wait for the

conclusion of any related criminal proceeding.

The investigator will interview the complainant, respondent and any witnesses. They will also gather pertinent documentary materials (if any) and other information.

### **Investigation Report**

The investigator will prepare a report detailing the relevant content from the interviews and the documentation gathered. The report will include the assessment of individual credibility and recommended findings of responsibility.

The respondent and complainant will each have the opportunity to review a copy of the investigative report and any other information that will be used during the disciplinary proceedings. The names and other identifying information of other students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The Title IX Coordinator will supervise this review and ensure that reasonable time is afforded for review prior to the hearing.

### **Time Frame for Investigation**

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the investigation and resolution, the Title IX Coordinator seeks to resolve all reports in a timely manner. In general, an investigation may last up to 30 days, from receipt of written notice from the complainant of the intent to proceed with an investigation. Adjudication will generally take up to 30 days from the date the investigative report is provided to both the complainant and the respondent. The Title IX Coordinator may set reasonable time frames for required actions under the Policy. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate delays by the parties, account for school breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where necessary, Sunstate Academy will take immediate steps to protect complainants pending the final outcome of an investigation, including academic accommodations and other interim measures. These steps may include the ability to change class schedules; withdraw from/retake a class without penalty; access academic support such as tutoring; issue no contact orders; and change the alleged perpetrator's class schedule.

### **Impact of Victim's Confidentiality Request**

A victim's request for confidentiality will likely limit Sunstate Academy's ability to investigate a particular matter. The school may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of

the student complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing Sunstate Academy's policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

### **Voluntary Resolution**

Voluntary resolution, when selected by the complainant and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the complainant and the safety and welfare of the Sunstate Academy community. Voluntary resolution is not appropriate for all forms of conduct under the Policy.

Sunstate Academy retains the discretion to determine, when selected by the complainant, which cases are appropriate for voluntary resolution. If a complainant requests voluntary resolution, and the Title IX Coordinator concludes that voluntary resolution is appropriate, then the Title IX Coordinator will take appropriate action by imposing remedies designed to maximize the complainant's access to all employment, educational, and extracurricular opportunities and benefits at the school and to eliminate a potential hostile environment. A complainant may request and decide to pursue voluntary resolution at any time. In those cases in which the voluntary resolution involves either the notification to or participation by the respondent, it is the respondent's decision whether to accept voluntary resolution.

Voluntary resolution may include: conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; facilitating a meeting with the respondent with the complainant present (in cases that do not involve sexual assault); and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy. In some forms of voluntary resolution, the remedies imposed will focus on supporting the complainant with no participation or involvement by the respondent. In other forms of voluntary resolution, the respondent may agree to participate. Depending on the type of remedy used, it may be possible for a complainant to maintain anonymity.

Voluntary resolution may also include restorative principles that are designed to allow a respondent to accept responsibility for misconduct and acknowledge harm to the complainant or to the Sunstate Academy community. Restorative models will be used only with the consent of both parties, and following a determination by the Title IX Coordinator that the matter is appropriate for a restorative approach.

Sunstate Academy will not compel a complainant to engage in mediation, to confront directly the respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, is never appropriate in sexual assault cases and will not be used in such cases. As the title implies, participation in voluntary resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if voluntary resolution is

unsuccessful at resolving the report. Similarly, a complainant can request to end an investigation and pursue voluntary resolution at any time.

The time frame for completion of voluntary resolution may vary, but Sunstate Academy will seek to complete the process within 15 days of the complainant's request.

## **9. Grievance/Adjudication Procedures**

### **Hearing Panel**

If voluntary resolution is not available, Sunstate Academy will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy. If the respondent is determined to be responsible, the matter proceeds to the sanctions stage.

The hearing panel will generally include the Title IX Coordinator and two additional members who will be individuals associated with Sunstate Academy. These additional hearing panel members may include administrators, officers, lawyers or other individuals with relevant experience and special training. Panel members may participate remotely so long as the hearing room is equipped with telephone equipment that allows the panel member to hear all the participants and to be heard by all the participants throughout the hearing proceedings. All panelists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct. The complainant and respondent will be informed of the panel's membership before the hearing process begins.

### **Advisors**

Both the complainant and the respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled.

### **Written Submissions**

Both the complainant and respondent will have the opportunity to submit written responses to the investigation report and other relevant information to the hearing panel. Each of the complainant and respondent will have the opportunity to review any written submissions by the other. The hearing panel may set reasonable parameters for these written submissions. The hearing panel will review the investigation report and written submissions.

### **Hearing Procedures**

The Title IX Coordinator will, whenever possible, give the complainant and respondent at least five days' advance notice of the hearing. The Title IX Coordinator will arrange to hold the hearing at an off-campus location. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary Sunstate

Academy personnel may be present during the proceeding. The Campus Director will work with school staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation via alternate means.
- In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.
- Additional hearing rules include:
  - Questioning. Only the panel may ask questions of the complainant and respondent and any witnesses. Both the complainant and respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the panel in writing. The panel may revise or not ask any or all submitted questions.
  - Information Regarding Romantic or Sexual History. The panel will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of sexual misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the panel deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual misconduct.
  - Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless the investigator provided that information to the hearing panel because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent. [SEP]

Sunstate Academy will keep an audio recording of the hearing for the use of the panel, for sanctioning, and for purposes of appeal. The panelists may request a transcript of the recording. [SEP] Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

#### **[SEP] Panel Determinations/Standard of Proof [SEP]**

The panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a panel must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. [SEP] The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a decision within 10 days after the conclusion of a hearing. The panel's decision will include an explanation of the basis for the decision. [SEP] If the panel finds the respondent responsible, the matter will proceed to the sanctions stage.

## **10. Sanctions and Other Remedies**

The Title IX Coordinator, with the advice and counsel of the other hearing panel members, shall be responsible for imposing sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with Sunstate Academy's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of sexual misconduct.

The Title IX Coordinator will consider relevant factors, including if applicable: (1) the specific sexual misconduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; (6) the safety of the Sunstate Academy community; and (7) the respondent's conduct during the disciplinary process.

The Title IX Coordinator will render a sanctioning decision within five days following the receipt of the panel's determination. The sanctioning decision will be communicated in writing to the complainant and the respondent.

Sunstate Academy may impose any one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning
- Changing the respondent's academic schedule
- Disciplinary probation
- Restricting access to Sunstate Academy facilities or activities
- Community service
- Issuing a "no contact" order to the respondent or requiring that such an order remain in place
- Dismissal or restriction from Sunstate Academy employment
- Suspension (limited time or indefinite)
- Expulsion

In addition to any other sanction (except where the sanction is expulsion), Sunstate Academy will require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the sexual misconduct violation at issue. Sunstate Academy may also recommend counseling or other support services for the student.

Whatever the outcome of the hearing process, a complainant may request ongoing or additional accommodations and the Title IX Coordinator will determine whether such measures are appropriate. Potential ongoing accommodations include:

- Providing an escort for the complainant

- Changing the complainant’s academic schedule
- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

Sunstate Academy may also determine that additional measures are appropriate to respond to the effects of the incident on the school community. Additional responses for the benefit of the Sunstate Academy community may include:

- Increased monitoring, supervision, or security at locations or activities where the misconduct occurred
- Additional training and educational materials for students and employees
- Revision of Sunstate Academy’s policies relating to sexual misconduct
- Climate surveys regarding sexual misconduct

## **11. Appeals**

Either the respondent or the complainant or both may appeal the determination of the hearing panel and/or the sanctions. Appeals are decided by the President of Sunstate College, Inc. The three grounds for appeal are:

1. A procedural error affecting the determination or sanction;
2. New information that was not available at the time of the investigation or hearing and that may change the determination or sanction; and
3. Excessiveness or insufficiency of the sanction.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The appealing student must submit the appeal in writing to the President of Sunstate College, Inc. within five days after receiving the sanctioning notice. If either the complainant or respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing student may submit a written response within five days after notice of an appeal.

If the President concludes that a change in the hearing panel’s determination is warranted, the President may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. After consultation with the Title IX Coordinator, the President may also change the sanction. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The President will notify the complainant and respondent of the final decision in writing. Appeals decisions will be rendered within 15 days after the receipt of the written appeal. All appeal decisions are final.

## **12. Records Disclosure**

Disciplinary proceedings conducted by Sunstate Academy are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside Sunstate Academy without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

Additional information about FERPA can be found on the Sunstate Academy's website at [www.sunstate.edu](http://www.sunstate.edu).

## **13. Education and Prevention Programs**

As set forth in Section 3 of this Policy statement, Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking are all forms of Prohibited Conduct.

Sunstate Academy is committed to offering educational programs to promote awareness and prevention of Prohibited Conduct. Educational programs include an overview of Sunstate Academy's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation. The Title IX Coordinator maintains an education and prevention calendar and tailors programming to campus needs and climate.

As part of Sunstate Academy's commitment to provide an educational and work environment free from Prohibited Conduct, this Policy will be disseminated widely to the school community through e-mail communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

The Title IX Coordinator, hearing panel members, and anyone else who is involved in responding to, investigating, or adjudicating sexual misconduct will receive annual training from experts in the field. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct.

### **Definitions of Sexual Misconduct under Florida Law**

Sexual Assault is any unwanted physical contact of a sexual nature that occurs either without the consent of each

participant or when a participant is unable to give consent freely. Sexual assault can occur either forcibly and/or

against a person's will, or when a person is unable to give consent freely. Non-consensual sexual intercourse is any form of sexual intercourse (vaginal, anal or oral) with any object without consent. Non-consensual sexual contact is any intentional sexual touching, however slight, with any object without a person's consent.

Florida law provides the following definitions with respect to incidents of sexual assault:

Fla. Stat. § 794.011 Sexual battery.—

(1) As used in this chapter:

- (a) "Consent" means intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.
- (b) "Mentally defective" means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.
- (c) "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.
- (d) "Offender" means a person accused of a sexual offense in violation of a provision of this chapter.
- (e) "Physically helpless" means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.
- (f) "Retaliation" includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.
- (g) "Serious personal injury" means great bodily harm or pain, permanent disability, or permanent disfigurement.
- (h) "Sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

(i) "Victim" means a person who has been the object of a sexual offense.

(j) "Physically incapacitated" means bodily impaired or handicapped and substantially limited in ability to resist or flee.

(2)(a) A person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a capital felony \* \* \*.

(b) A person less than 18 years of age who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a life felony, \* \* \*.

(3) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury commits a life felony \* \* \*.

(4)(a) A person 18 years of age or older who commits sexual battery upon a person 12 years of age or older but younger than 18 years of age without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree \* \* \*.

(b) A person 18 years of age or older who commits sexual battery upon a person 18 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree \* \* \*.

(c) A person younger than 18 years of age who commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree

\* \* \*

(e) The following circumstances apply to paragraphs (a)-(d):

1. The victim is physically helpless to resist.
2. The offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat.
3. The offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future.
4. The offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance that mentally or physically incapacitates the victim.
5. The victim is mentally defective, and the offender has reason to believe this or has actual knowledge of this fact.
6. The victim is physically incapacitated.
7. The offender is a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified under s. 943.1395 or is an elected official exempt from such certification by virtue of s. 943.253, or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and such officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of government.

(5)(a) A person 18 years of age or older who commits sexual battery upon a person 12 years of age or older but younger than 18 years of age, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the first degree

\* \* \*

(b) A person 18 years of age or older who commits sexual battery upon a person 18 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal

injury commits a felony of the second degree \* \* \*.

(c) A person younger than 18 years of age who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree

\* \* \*

(8) Without regard to the willingness or consent of the victim, which is not a defense to prosecution under this subsection, a person who is in a position of familial or custodial authority to a person less than 18 years of age and who:

(a) Solicits that person to engage in any act which would constitute sexual battery under paragraph (1)(h) commits a felony of the third degree \* \* \*.

(b) Engages in any act with that person while the person is 12 years of age or older but younger than 18 years of age which constitutes sexual battery under paragraph (1)(h) commits a felony of the first degree \* \* \*.

(c) Engages in any act with that person while the person is less than 12 years of age which constitutes sexual battery under paragraph (1)(h), or in an attempt to commit sexual battery injures the sexual organs of such person commits a capital or life felony \* \* \*.

(9) For prosecution under paragraph (4)(a), paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d) which involves an offense committed under any of the circumstances listed in subparagraph (4)(e)7., acquiescence to a person reasonably believed by the victim to be in a position of authority or control does not constitute consent, and it is not a defense that the perpetrator was not actually in a position of control or authority if the circumstances were such as to lead the victim to reasonably believe that the person was in such a position.

(10) A person who falsely accuses a person listed in subparagraph (4)(e)7. or other person in a position of control or authority as an agent or employee of government of violating paragraph (4)(a), paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d) commits a felony of the third degree \* \* \*.

As described above, in certain circumstances it is an element of the offense that the sexual act was committed without the victim's consent. As set forth in Florida Statute Section 794.011(1)(A), "consent" means intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

Florida law provides the following definitions with respect to Stalking:

Fla. Stat. § 784.048. Stalking; definitions; penalties.

(1) As used in this section, the term:

(a) "Harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.

(b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.

(c) "Credible threat" means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

(d) "Cyberstalk" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

(2) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree \* \* \*.

(3) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree \* \* \*.

(4) A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree \* \* \*.

(5) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a child under 16 years of age commits the offense of aggravated stalking, a felony of the third degree \* \* \*.

(6) A law enforcement officer may arrest, without a warrant, any person that he or she has probable cause to believe has violated this section.

Florida law provides the following definitions with respect to Domestic Violence:

Fla. Stat. § 741.28. Domestic violence; definitions

(2) "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by

another family or household member.

(3) "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Florida law provides the following definitions with respect to Dating Violence:

Fla. Stat. § 784.046(d). "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

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

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

## **Bystander Intervention**

Sunstate Academy's primary prevention and awareness program includes a description of safe and positive options for bystander intervention. Active bystanders take the initiative to help someone who may be targeted for a sexual assault. They do this in ways that are intended to avoid verbal or physical conflict. Active bystanders also take the initiative to help friends, who are not thinking clearly, from becoming offenders of crime. Intervention does not mean that you directly intervene to stop a crime in progress; rather, these steps are "early intervention" – before a crime begins to occur. There are three important components to consider before taking action that we refer to as the ABCs:

- **Assess for safety.** Ensure that all parties are safe, and whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- **Be with others.** If it is safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.
- **Care for the person.** Ask if the target of the unwanted sexual advance/attention/behavior is okay – does he or she need medical care? Ask if someone they trust can help them get safely home.

*Information on Bystander Intervention was provided by the Department of Defense Sexual Assault Prevention and Response Office from: [www.sapr.mil](http://www.sapr.mil)*

## **Risk Reduction**

Sunstate Academy's primary prevention and awareness program includes information on risk reduction. This includes:

*Avoiding Dangerous Situations.* While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

*Safety Planning.* Things to think about:

- How to get away if there is an emergency? Be conscious of exits or other escape routes. Think

about options for transportation (car, bus, subway, etc.).

- Who can help? Friends and/or family, or support centers in your area. Please see Section 4 of this Policy for a list of support organizations.
- Where to go? Options may include a friend's house or relative's house, or you may consider going to a domestic violence or homeless shelter. You may also go to the police. **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.
- What to bring? This may include important papers and documents such birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all of these things in an emergency bag. You should hide the bag—it is best if it is not in your house or car. If the bag is discovered, you can call it a “tornado” or “fire” bag.

*Protecting Your Friends.* You have a crucial role to play in keeping your friends safe. No matter what the setting, if you see something that doesn't feel quite right or see someone who might be in trouble, there are some simple things you can do to help out a friend.

- Distract. If you see a friend in a situation that doesn't feel quite right, create a distraction to get your friend to safety. This can be as simple as joining or redirecting the conversation: suggest to your friend that you leave the party, or ask them to walk you home. Try asking questions like: “Do you want to head to the bathroom with me?” or “Do you want to head to another party – or grab pizza?”
- Step in. If you see someone who looks uncomfortable or is at risk, step in. If you feel safe, find a way to de-escalate the situation and separate all parties involved. Don't be shy about directly asking the person if they need help or if they feel uncomfortable.
- Enlist others. You don't have to go it alone. Call in friends or other people in the area as reinforcements to help defuse a dangerous situation and get the at-risk person home safely. There is safety in numbers.
- Keep an eye out. Use your eyes and ears to observe your surroundings. If you see someone who has had too much to drink or could be vulnerable, try to get them to a safe place. Enlist friends to help you. Even if you weren't around when the assault occurred, you can still support a friend in the aftermath.

*Social Situations.* While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with

the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

*Information on Risk Reduction was provided by RAINN: Rape, Abuse & Incest National Network: [www.rainn.org](http://www.rainn.org).*

#### **14. Amendments**

Sunstate Academy may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of Sunstate Academy to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the school community.

# Sunstate Academy of Cosmetology and Massage

## Sexual Misconduct Policy

### Definitions of Key Terms

- Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment, (ii) submission to or rejection of such conduct by an individual is used as the basis for education or employment decisions affecting such individuals, or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's school or work performance or creating an intimidating, hostile, or offensive educational or working environment.
  - Hostile Environment Caused By Sexual Harassment - refers to a situation where students and/or employees are subject to a pattern of exposure to unwanted sexual behavior that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a school program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to a hostile environment caused by sexual harassment.
  - Quid Pro Quo Harassment – refers to a situation where students and/or employees are subject to unwanted sexual behavior where submission or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a school program or activity.
- Sexual Assault - is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault can occur either forcibly and/or against a person's will, or when a person is unable to give consent freely. Non-consensual sexual intercourse is any form of sexual intercourse (vaginal, anal or oral) with any object without consent. Non-consensual sexual contact is any intentional sexual touching, however slight, with any object without a person's consent.
- Domestic Violence - A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons

involved in the relationship. For the purpose of this definition dating violence 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.

- Prohibited Conduct – Sunstate Academy prohibits the crimes of Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.
- Sexual Exploitation - sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for his or her own advantage or benefit or for the benefit or advantage of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, videotaping or photographing of any type (web-cam, camera, Internet exposure, etc.) without knowledge and consent of all persons; prostituting another person; knowingly transmitting HIV or a sexually transmitted disease to an unknowing person or to a person who has not consented to the risk; or inducing incapacitation with the intent to commit sexual assault, without regard to whether sexual activity actually takes place.
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Retaliation - means any adverse action, or attempted adverse action, against an individual or group of individuals because of their participation in any manner in an investigation, proceeding, or hearing under this Policy.
- Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Consent <sup>[1]</sup><sub>SEP</sub> is a voluntary agreement to engage in sexual activity.
  - Past consent does not imply future consent.
  - Silence or an absence of resistance does not imply consent.
  - Consent to engage in sexual activity with one person does not <sup>[1]</sup><sub>SEP</sub> imply consent to engage in sexual activity with another.
  - Consent can be withdrawn at any time.
  - Coercion, force, or threat of either invalidates consent.

Someone who is incapacitated cannot consent. Incapacitation refers to a situation in which a person is not capable of providing consent because the person lacks the ability to understand her or his decision. This situation may occur due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent.

- Complainant – means the person making the allegation(s) of sexual misconduct.
- Respondent – means the person alleged to have committed sexual misconduct.

## **Anti-Hazing Policy**

Florida Statute 1006.63 states: “Hazing” means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a postsecondary institution. “Hazing” includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

Imposition or use of hazing in any form of initiation or at any time is strictly prohibited. Violation of this policy will result in disciplinary actions against the violator including possible expulsion from the institution.