

TITLE IX POLICY

DATE DEVELOPED: OCTOBER 2021

UPDATED: AUGUST 2026



Table of Contents

TITLE IX STATUTE	4
NON-DISCRIMINATION STATEMENT	4
SEXUAL HARASSMENT POLICY STATEMENT	4
POLICY SUMMARY	4
PROHIBITED CONDUCT AND DEFINITIONS	5
PRIVACY AND CONFIDENTIALITY	5
REPORTING A POLICY VIOLATION	7
PRELIMINARY INVESTIGATION	11
VIOLATIONS OF OTHER SCHOOL POLICIES	12
DISMISSAL	13
INFORMAL RESOLUTION PROCESS	13
FORMAL INVESTIGATION AND GRIEVANCE PROCEDURE	14
ACCOMMODATIONS	21
PREGNANCY & LACTATION ACCOMMODATION	21
RESOURCES	22



RIGHTS OF THE PARTIES	22
ADDITIONAL LEGAL AND ADVOCACY RESOURCES	23
Florida Bar Lawyer Referral Service.....	23
Community Legal Services of Mid-Florida.....	24
U.S. Department of Education – Office for Civil Rights (OCR)	24
Victim Service Center of Central Florida	24

F.I.R.S.T. INSTITUTE'S TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCEDURES

TITLE IX STATUTE

Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.) prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance. F.I.R.S.T. Institute complies with the Title IX regulations issued by the U.S. Department of Education on May 19, 2020, codified at 34 C.F.R. Part 106, which govern the institution's response to allegations of sexual harassment occurring within its education programs or activities in the United States.

F.I.R.S.T. Institute administers this policy in accordance with Title IX of the Education Amendments of 1972, applicable federal regulations, Florida law, and controlling federal court decisions. Because Title IX regulations and legal interpretations may change over time, the Institution reserves the right to administer this policy in accordance with the federal and state law in effect at the time of the reported conduct. If applicable legal requirements change before this policy is formally updated, those legal requirements shall govern the administration of this policy to the extent required by law.

Nothing in this policy shall be interpreted to limit any rights or protections afforded under federal or Florida law.

NON-DISCRIMINATION STATEMENT

F.I.R.S.T. Institute prohibits discrimination on the basis of sex as prohibited by applicable federal and state law. The Institution also prohibits unlawful discrimination and harassment based on any protected characteristic recognized under applicable law.

This prohibition applies to admissions, recruitment, educational programs, employment, training opportunities, student services, extracurricular activities, and all other operations of F.I.R.S.T. Institute. The Institution is committed to providing an educational and employment environment free from unlawful sex discrimination and sex-based harassment.

Inquiries about the application of Title IX to F.I.R.S.T. Institute may be referred to the Institution's Title IX Coordinator, to the U.S. Department of Education's Office for Civil Rights, or to both. The Title IX Coordinator's contact information is provided in the Reporting a Policy Violation section of this policy.

SEXUAL HARASSMENT POLICY STATEMENT

F.I.R.S.T. Institute prohibits sexual harassment as defined by Title IX within its education programs or activities occurring in the United States.

POLICY SUMMARY

F.I.R.S.T. Institute must respond promptly and in a manner that is not deliberately indifferent whenever it has actual knowledge of sexual harassment. The institution will treat complainants and respondents equitably and will presume the respondent is not responsible until the grievance process has concluded. Supportive measures may be offered

to complainants regardless of whether a formal complaint is filed and may also be offered to respondents when appropriate, consistent with applicable law.

PROHIBITED CONDUCT AND DEFINITIONS

Sexual Harassment (Title IX Definition)

- Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:
 - An employee of the institution conditioning the provision of an educational aid, benefit, or service on an individual's participation in unwelcome sexual conduct (quid pro quo).
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity.
 - Sexual assault, dating violence, domestic violence, or stalking, as defined by federal law.

Other Terms of Importance

- **Actual Knowledge**
 - Actual Knowledge means notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or to any official of F.I.R.S.T. Institute who has authority to institute corrective measures on behalf of the institution.
- **Consent**
 - "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.
- **Complainant**
 - "Any individual who is alleged to be the victim of sexual harassment..."
- **Respondent**
 - "Any individual who is reported to be the perpetrator of sexual harassment..."
- **Advisor**
 - Both the complainant and respondent have a right to choose their own representation to assist in the grievance procedures.
- **Education Programs or Activities**
 - Education program or activity means locations, events, or circumstances over which F.I.R.S.T. Institute exercises substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This includes conduct occurring in buildings owned or controlled by the Institution and other circumstances covered by applicable Title IX regulations.
- **Retaliation**
 - Retaliation means intimidation, threats, coercion, discrimination, harassment, or any adverse action taken against an individual because they reported conduct prohibited by this policy, filed or participated in a complaint or investigation, served as a witness, requested supportive measures, or exercised any right protected under Title IX or applicable law.

F.I.R.S.T. Institute strictly prohibits retaliation against any individual for making a good-faith report, participating in the Title IX grievance process, or exercising rights protected by this policy. Allegations of retaliation will be promptly investigated and may result in disciplinary action independent of the outcome of the underlying Title IX complaint.

PRIVACY AND CONFIDENTIALITY

Confidential Resources

- Florida Council Against Sexual Violence
- Statewide Hotline – 888-956-7273
- TTY/TTD accessibility – 711
- Website – <https://www.fcasv.org/>

- National Domestic Violence Hotline
- Telephone Hotline – 1-800-799-7233
- TTY Hotline – 1-800-787-3224
- Website – <https://www.thehotline.org/>

- National Sexual Assault Hotline
- Telephone Hotline – 1-800-656-HOPE (4673)
- Online Hotline – <https://rainn.org/resources>
- Website – <https://www.rainn.org>

- Victim Service Center of Central Florida, Inc.
- 24-Hour Crisis Line – 407-500-HEAL
- Online Contact Form – <https://www.victimservicecenter.org/contact-us/>
- Email – vsc@ocfl.net
- Website – <https://www.victimservicecenter.org>

- VictimConnect Resource Center
 - Call or Text – 1-855-484-2846
 - Website - <https://victimconnect.org>

Additional confidential, legal, law enforcement, and advocacy resources are provided in the Resources section of this policy.

Privacy and Use of Discretion

- The institution will keep confidential the identity of any individual who has made a report or complaint of sexual harassment, except as permitted by FERPA, required by law, or necessary to carry out Title IX grievance procedures.
- One exception is if “the complainant’s identity is necessary to provide supportive measures for the complainant (e.g., where a no-contact order is appropriate and the respondent would need to know the identity of the complainant in order to comply...or campus security is informed about the no-contact order in order to help enforce its terms).” (85 FR 30132)
- Another exception is if the complainant and/or respondent is a minor, in which case “a parent or guardian has the legal right to act on behalf of the individual.” (85 FR 30030)
- F.I.R.S.T. Institute will do its best to use discretion with grievance procedures in order to protect the privacy of the individuals involved. However, “investigations almost always require some intrusion [of] privacy.” (85 FR 30107)

Protection of Confidentiality of Victim or Sexual Violence

The Title IX Coordinator is not a confidential resource. Information reported to the Title IX Coordinator will be handled with discretion and shared only as permitted or required by law and as reasonably necessary to carry out the Institution’s responsibilities under Title IX and other applicable laws.

- There are no pastoral or professional counselors on campus. Confidential crisis, mental health, and victim resource hotline numbers are listed in this section, should students need to contact these agencies. Victims

of sexual violence reported to the Title IX Coordinator will be provided with information regarding local rape crisis centers and other counseling services.

- Reports of sexual violence or other misconduct may be made to the Title IX Coordinator, who will handle the information with discretion and limit disclosure to those who need the information to carry out the Institution's responsibilities or as otherwise permitted or required by law. The Title IX Coordinator is not a confidential resource and therefore cannot guarantee confidentiality. When an individual requests that their identity or other information remain private, the Institution will consider that request consistent with its obligations under Title IX, FERPA, the Jeanne Clery Campus Safety Act, and other applicable law. The individual will be informed if the Institution is unable to honor the request.
- Reports of sexual violence or other crimes may also be subject to reporting requirements under the Jeanne Clery Campus Safety Act and F.I.R.S.T. Institute's Annual Security Report procedures. The Institution will collect, maintain, and report crime statistics and issue any required campus safety notifications in accordance with applicable federal law and institutional procedures. Personally identifying information about victims will not be included in publicly reported crime statistics.
- F.I.R.S.T. is required to, and will, keep the identity of victims of sexual violence private in any public report of Clery Act crimes. Reporting to the institution will also enable the victim to receive protective measures. At the victim's request, F.I.R.S.T. will maintain as confidential any protective measures provided to the victim, to the extent that making such information confidential does not impair the ability of the institution to provide those protective measures. The victim will be informed by the institution if providing a protective measure may reveal the identity of the victim.

F.I.R.S.T. encourages reporting of sexual violence to the police. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
 - 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); and
 - Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.
 - Police reports are public records under state law, and therefore F.I.R.S.T. cannot guarantee the absolute confidentiality of reports of crime obtained from police records but will make every effort to maintain the confidentiality of such information to the greatest extent permitted by law.

Release of Information

- The parties must provide voluntary, written consent for the school to use any legally protected information, such as with a medical professional, priest, legal representation, spouse, or otherwise, during the grievance procedures.
- F.I.R.S.T. Institute will "follow relevant State and Federal health care privacy laws throughout the grievance process." (85 FR 30286)

REPORTING A POLICY VIOLATION

The Institution encourages reporting of sexual misconduct. Students who report incidents in good faith or participate as witnesses will generally not be subject to disciplinary action for minor personal alcohol or drug violations occurring at or near the time of the incident.

Emergency Situations

- Contact local law enforcement at 911 immediately. Then contact the Title IX Coordinator.

- Under applicable Title IX regulations, F.I.R.S.T. Institute may remove a respondent from the Institution's education program or activity on an emergency basis when the Institution determines, based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of a student or other individual arising from the allegations justifies removal. The respondent will be provided notice and an opportunity to challenge the emergency removal immediately following the removal, as required by applicable law.

Non-Emergency Situations

- Any individual may report sexual harassment to the Title IX Coordinator in person, by mail, by telephone, or by electronic mail. A formal complaint filed by a complainant or signed by the Title IX Coordinator, as permitted by applicable Title IX regulations, is required to initiate the formal Title IX grievance process.

Title IX Coordinator Contact Information

- F.I.R.S.T. Institute's Director of Human Resources serves as the Title IX Coordinator for the Institution. Reports, complaints, or questions regarding Title IX may be submitted to the Title IX Coordinator in person, by mail, by telephone, or by email using the contact information provided below:

Emmanuel François,
Director of Human Resources / Title IX Coordinator
423 S Keller Rd, Suite 100
Orlando, FL 32810
407.316.8310 Ext. 1307
emmanuel.francois@first.edu

Questions regarding Title IX, including its application to F.I.R.S.T. Institute, may be referred to the Institution's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

- F.I.R.S.T. Institute also has chosen staff to assist in the grievance procedures explained within this policy. This Title IX team includes potential Title IX Advisors, Investigators, Adjudicators, and Appeal Officers. Please note that the adjudicator (decision-maker) is not the same person as the Title IX Coordinator.
- The Title IX Coordinator and the rest of the Title IX team have received the training materials found on our website, as well as F.I.R.S.T. Institute's Title IX Sexual Harassment and Grievance Procedures policy.
- "Title IX Coordinators, investigators, decision-makers (adjudicators), and persons who facilitate informal resolutions [are required] to be free from conflicts of interest and bias and trained to serve impartially without prejudging the facts at issue."

Title IX Coordinator Responsibilities

The Title IX Coordinator is responsible for overseeing the Institution's compliance with Title IX and this policy. The Coordinator's responsibilities include, but are not limited to:

- Receiving reports and complaints of sex discrimination and sex-based harassment;
 - Coordinating the Institution's response to reports and complaints;
 - Offering and coordinating supportive measures;
 - Overseeing investigations and grievance procedures;
 - Coordinating training for employees involved in the Title IX process;
 - Maintaining records required by applicable law;
 - Monitoring compliance with Title IX and related federal regulations;

- Ensuring that retaliation against any person participating in the Title IX process is prohibited and addressed promptly.

Title IX Team Roles

To ensure a prompt, fair, and impartial response to reports of sex discrimination and sex-based harassment, F.I.R.S.T. Institute designates qualified employees to serve as members of the Title IX Team. Individuals serving in these roles receive appropriate Title IX training, perform their responsibilities free from conflicts of interest or bias, and are selected based on their position, training, and ability to carry out the responsibilities required under this policy.

The Institution may assign one or more individuals to serve in the following roles:

- Investigators
 - Director of Financial Aid
 - Director of Administration
 - Other qualified employees designated by the Institution
- Decision-Makers (Adjudicators)
 - Director of Academic Affairs
 - Managing Partners
 - Other qualified employees designated by the Institution
- Appeals Officer
 - Director of Admissions
 - Other qualified employees designated by the Institution

The specific individuals serving in these roles may change from time to time based on staffing, organizational needs, training, or the need to avoid conflicts of interest or bias. F.I.R.S.T. Institute reserves the right to designate alternate qualified personnel whenever necessary to ensure a fair, impartial, and timely grievance process.

Local Law Enforcement and U.S. Department of Education, Office for Civil Rights Contact Information

- **Maitland Police Department**
 - Address:
 - 1837 Fennell St
Maitland, FL 32751
 - Phone Numbers:
 - Emergency: 911
 - Non-emergency: 407-539-6261
 - General: 407-539-6261
 - Email:
 - dmanuel@maitlandpd.org (Not for criminal complaints)
- **U.S. Department of Education, Office for Civil Rights Contact Information**
 - Address:
 - Lyndon Baines Johnson Department of Education Building, 400
Maryland Avenue SW, Washington, DC 20202-1100
 - Phone Number:
 - 800-421-3481
 - Email:

- OCR@ed.gov

Reporting Options

Any concerns over F.I.R.S.T. Institute's Title IX policy may be submitted to the Title IX Coordinator and/or the U.S. Department of Education, Office for Civil Rights.

The following are options that can be taken either individually or simultaneously:

- **Title IX Coordinator**

Under applicable Title IX regulations, F.I.R.S.T. Institute is required to "initiate a grievance process when a complainant files, or a Title IX Coordinator signs, a formal complaint, so that the Title IX Coordinator takes into account the wishes of a complainant and only initiates a grievance process against the complainant's wishes if doing so is not clearly unreasonable in light of the known circumstances." (85 FR 30045)

- **Local Law Enforcement**

F.I.R.S.T. Institute may contact law enforcement when required by law or when necessary to address an immediate threat to the health or safety of the campus community. Individuals may also choose to report alleged criminal conduct directly to law enforcement. A report to law enforcement is separate from the Institution's Title IX process.

- **U.S. Department of Education, Office for Civil Rights**

Individuals who believe they have experienced discrimination prohibited by Title IX may also file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR). Filing a complaint with OCR is independent of F.I.R.S.T. Institute's internal grievance process, and individuals may choose to pursue one or both processes, subject to applicable legal requirements and filing deadlines.

- **Anonymous Reporting**

A non-formal complaint report of a possible Title IX policy violation can be submitted anonymously. However, when "a complainant desires to initiate a grievance process, the complainant cannot remain anonymous or prevent the complainant's identity from being disclosed to the respondent (via the written notice of allegations)." (85 FR 30133)

While there are some supportive measures that can be provided while keeping the complainant's identity confidential from the respondent, there are some supportive measures that cannot be provided unless the complainant's identity is revealed.

- **Withdrawing a Formal Complaint**

The complainant must send written notice to the Title IX Coordinator in order to withdraw a formal complaint.

All employees of F.I.R.S.T. Institute are required to report known or suspected violations of this policy to the Title IX Coordinator as soon as practicable, preferably within one (1) business day of receiving the information, unless the employee has been expressly designated by the Institution as a confidential resource consistent with applicable law. Employees should not attempt to investigate allegations themselves before making the required report. Failure to report as required by this policy may result in corrective or disciplinary action.

PRELIMINARY INVESTIGATION

When F.I.R.S.T. Institute receives a report of a possible violation of this policy, the Institution will promptly conduct an initial assessment of the reported conduct. During this preliminary stage, and while any formal investigation is pending, F.I.R.S.T. Institute will respond in a manner that is prompt, fair, equitable, and appropriate to the known circumstances.

The Institution will:

- Respond promptly upon receiving a report or complaint of possible sex discrimination or sex-based harassment.
- Conduct an initial assessment to determine the appropriate next steps under this policy.
- Contact the complainant to discuss the availability of supportive measures.
- Consider the complainant's wishes when determining appropriate supportive measures, while also considering the safety of the campus community and the Institution's obligations under applicable law.
- Inform the complainant that supportive measures may be available regardless of whether a formal complaint is filed.
- Explain the process for filing a formal complaint and the grievance procedures available under this policy.
- Provide supportive measures that are reasonably available, appropriate, and designed to preserve or restore equal access to the Institution's education programs and activities.
- Treat all parties equitably throughout the process. Supportive measures may be offered to complainants, and respondents will not be subject to disciplinary sanctions until the applicable grievance process has concluded, except where emergency removal or administrative leave is authorized by law.
- Presume that a respondent is not responsible for the alleged conduct until a determination has been made through the applicable grievance process.
- Consolidate complaints when multiple allegations arise from the same facts or circumstances and consolidation is appropriate under applicable law.
- Offer an informal resolution process only when permitted under this policy and applicable law.
- Document the Institution's response, including any supportive measures offered or implemented, or the reasons why supportive measures were not provided when appropriate.

All preliminary assessments and investigations will be conducted promptly, objectively, impartially, and by individuals who have received appropriate Title IX training and who are free from conflicts of interest or bias.

Supportive Measures

Supportive measures are individualized, non-disciplinary, and non-punitive services designed to restore or preserve equal access to F.I.R.S.T. Institute's education programs and activities without unreasonably burdening either party. These measures are intended to protect the safety of all parties, support continued participation in educational programs, and help prevent further discrimination, harassment, or retaliation.

Supportive measures may be offered regardless of whether a formal complaint is filed and will be determined based on the unique circumstances of each report. The Title IX Coordinator will promptly consult with the complainant to assess their needs, discuss available supportive measures, and determine what measures are reasonable, appropriate, and consistent with the Institution's obligations under applicable law.

Supportive measures are individualized and will be tailored to the specific circumstances of each case. When appropriate, the Institution may also offer supportive measures to the respondent in order to ensure a fair and equitable process.

Examples of supportive measures include, but are not limited to:

- Modifications to class schedules or course assignments.
- Academic accommodations, including extensions of assignment deadlines, rescheduled examinations, tutoring assistance, or other reasonable academic support.
- Adjustments to seating arrangements or classroom assignments to minimize contact between the parties.
- Changes to campus access or parking arrangements to promote safety.
- Escorts or other reasonable safety measures while participating in educational programs or activities.
- Temporary leaves of absence, when appropriate.
- Administrative leave for non-student employee respondents, when permitted by applicable law.
- Mutual no-contact directives prohibiting communication between the parties through verbal, written, electronic, or third-party means while participating in the Institution's educational programs or activities.
- Referrals to counseling, community resources, advocacy services, or other available support services.
- Any other reasonable measures determined by the Title IX Coordinator to restore or preserve equal access to the Institution's education programs or activities.

The Institution will make every reasonable effort to protect the privacy of the parties when implementing supportive measures. However, certain supportive measures may require disclosure of a complainant's identity when necessary to effectively implement the measure or to protect the safety of the campus community.

Supportive measures will remain in place for as long as they are determined to be necessary and appropriate under the circumstances. The Title IX Coordinator may modify, continue, or discontinue supportive measures as circumstances change or upon the conclusion of the grievance process, consistent with applicable law and the needs of the parties.

VIOLATIONS OF OTHER SCHOOL POLICIES

Any reported conduct that does not constitute Title IX sexual harassment as defined in this policy, or that may violate other F.I.R.S.T. Institute policies, may be addressed through the Institution's regular disciplinary or conduct procedures. Conduct that does not meet the jurisdictional or definitional requirements of Title IX may nevertheless violate other F.I.R.S.T. Institute policies or applicable federal, state, or local law and may be addressed through the Institution's other disciplinary or grievance procedures.

- The Title IX Coordinator will notify the corresponding Director of the program and/or department relating to the complainant and respondent.
- The complainant, respondent, and witnesses may be asked to complete an incident report or provide a written statement, as appropriate. Records relating to the report will be maintained in accordance with the Institution's applicable recordkeeping and privacy requirements.

- Appropriate disciplinary sanctions will be taken (if applicable) and any necessary supportive measures offered.
- When reported conduct involves criminal activity, a credible threat of harm to another person, a threat of self-harm, or another immediate health or safety concern, F.I.R.S.T. Institute may contact law enforcement, emergency services, or other appropriate individuals or authorities as permitted or required by applicable law.

DISMISSAL

Under the applicable Title IX regulations, the Institution will dismiss a formal Title IX complaint when:

- The conduct alleged would not constitute sexual harassment under Title IX even if proved;
- The conduct did not occur in the institution's education program or activity; or
- The conduct did not occur in the United States.

F.I.R.S.T. Institute may dismiss a formal complaint or any allegations therein if:

- The complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled at or employed by F.I.R.S.T. Institute; or
- Specific circumstances prevent F.I.R.S.T. Institute from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations.

A party's decision not to participate in the grievance process does not, by itself, require dismissal of a formal complaint. The Title IX Coordinator will evaluate the circumstances and determine whether dismissal is appropriate under applicable Title IX regulations.

When a formal complaint or allegation is dismissed, F.I.R.S.T. Institute will promptly provide written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties, as required by applicable law. Dismissal under Title IX does not prevent F.I.R.S.T. Institute from addressing the reported conduct under other applicable institutional policies or procedures.

Please note that "this provision is not the equivalent of F.I.R.S.T. deciding that the evidence gathered has not met a probable or reasonable cause threshold or other measure of the quality or weight of the evidence, but rather is intended to apply narrowly to situations where specific circumstances prevent F.I.R.S.T. from meeting its burden...to gather sufficient evidence to reach a determination." (85 FR 30290)

Please also note that F.I.R.S.T. Institute retains the right to address reported allegations under the school's regular disciplinary procedures even if a formal complaint is dismissed in regards to the Title IX formal grievance procedures.

Both parties have the right to appeal the dismissal of a formal complaint or any allegations therein in accordance with the Appeals Process described in this policy.

INFORMAL RESOLUTION PROCESS

When appropriate and permitted by applicable law, F.I.R.S.T. Institute may offer the parties the opportunity to participate in an Informal Resolution Process as an alternative to a formal investigation and grievance process. Participation in an informal resolution process is entirely voluntary and requires the written consent of all parties.

Before beginning an informal resolution process, the Institution will provide each party with written notice that includes:

- A summary of the allegations.
- An explanation of the informal resolution process and its requirements.
- Notice that participation is voluntary and that either party may withdraw from the informal resolution process at any time before a final resolution is reached and resume the formal grievance process, where permitted.
- An explanation of any records that will be created or maintained as part of the informal resolution process and the circumstances under which those records may be shared.
- Any potential consequences of participating in the informal resolution process.

The Institution will obtain the voluntary, informed, written consent of both parties before initiating an informal resolution process.

Informal resolution will not be offered to resolve allegations that an employee sexually harassed a student or in any other circumstance in which informal resolution is prohibited by applicable Title IX regulations or other applicable law.

The Institution will make reasonable efforts to complete the informal resolution process within 60 calendar days, although additional time may be necessary depending on the complexity of the matter or other extenuating circumstances. If additional time is required, both parties will be notified.

If the parties reach a mutually acceptable resolution, the matter will be considered resolved upon completion of the agreed-upon terms. If an informal resolution is not successful, or if either party withdraws before a final resolution is reached, the matter may proceed through the formal grievance process in accordance with this policy.

FORMAL INVESTIGATION AND GRIEVANCE PROCEDURE

Purpose

The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The burden of proof and the burden of gathering evidence sufficient to reach a determination rests on the institution.

Determination of a Formal Investigation

- When a possible policy violation is reported, the Title IX Coordinator will contact the complainant to discuss the policy, option to file a formal complaint, possible supportive measures, and resources. If a formal complaint is filed, the respondent will be informed of the allegations, as well as possible supportive measures and resources.
- If the Title IX Coordinator must dismiss the formal complaint as aforementioned, then the formal investigation and grievance procedure will not be completed. However, the school retains the right to respond through the school's usual disciplinary measures.
- In addition, the Title IX Coordinator may "consolidate formal complaints when allegations of sexual harassment arise out of the same facts or circumstances and involve more than one complainant, more than one respondent, or what amount to counter-complaints by one party against the other." (85 FR 30292).

Grievance Process Timeline

- F.I.R.S.T. Institute will do its best to complete the grievance process within 90 days of the formal complaint's submission to the Title IX Coordinator. However, should the school need to have a limited, short-term, and temporary extension of the process for a good cause, both parties will be notified in writing.
- A good cause may include:
 - "Absence of a party, a party's advisor, or a witness" (85 FR 30576)
 - "Concurrent law enforcement activity" (85 FR 30271)
 - "The need for language assistance or accommodation of disabilities" (85 FR 30576)
- Any extension will be limited to the time reasonably necessary to address the circumstances constituting good cause. F.I.R.S.T. Institute will provide both parties with written notice of the extension, the reason for the extension, and the anticipated timeframe for continuing or completing the grievance process.

Allegation Notices

- Both the complainant and respondent will receive written notice of the allegations, the right to choose an advisor, and when the parties are required to appear at an interview, meeting, or live hearing.
- The written notice will include "essential details of allegations under investigation, and of important rights available to both parties under the grievance process." (85 FR 30130) Therefore, the following will be included in the notice:
 - The formal complaint process and informal resolution option
 - "The identity of the parties *if known*."
 - The specific allegations of sexual harassment
 - Date and location of the allegation (if known)
 - A statement of the "presumption of non-responsibility" towards the respondent until the conclusion of the grievance process as required. (85 FR 30258)
 - A statement about both parties' rights, such as to an advisor and to review, inspect, and provide evidence.
 - A statement that if either party knowingly submits false statements/information, the school will take disciplinary measures.
 - A statement that says retaliation is strictly prohibited.
 - A statement informing the parties that they will be provided sufficient time to review the written notice and prepare before any initial investigative interview.
- Written notice will be provided sufficiently in advance of any interview, meeting, or live hearing to allow the parties a meaningful opportunity to prepare. The notice will include the date, time, location, participants, and purpose of the proceeding, as applicable.
- If additional allegations arise during the investigation that were not included in the original written notice, F.I.R.S.T. Institute will provide the parties with an updated written notice containing the additional allegations and sufficient time to prepare a response before those allegations are addressed through the grievance process.
- Requests to reschedule an interview, meeting, or live hearing should ordinarily be submitted in writing to the Title IX Coordinator at least five (5) business days before the scheduled proceeding. The Institution may consider requests submitted with less notice when good cause or circumstances beyond the party's control prevent earlier notice.
- Please note that a "respondent (or other party, advisor, or witness) would not be able to indefinitely delay a Title IX proceeding by refusing to cooperate." F.I.R.S.T. Institute will try to accommodate schedules "in order to provide parties with a meaningful opportunity to exercise the rights granted to parties." However, the school must adhere to its time frames and "can proceed to conclusion [in the grievance procedure] even in the absence of a party or witness" in accordance with the updated Title IX regulations. (85 FR 30270)

Right to an Advisor

- Both the complainant and respondent have the right to an advisor. Each party can choose their own advisor (i.e., parent, friend, attorney, etc.) to assist them during the investigation process, including cross-examinations in the hearing. The school will provide an advisor in the absence of one.

Assigning Investigators

- In the event of a formal investigation, one or more trained investigators may be assigned by the Title IX Coordinator to objectively review all relevant evidence. Each investigator must be free from conflicts of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Cooperation

- Anyone associated with the school is expected to cooperate throughout these grievance procedures.

Participation

- Due to presumption of non-responsibility towards the respondent, the burden of proof and responsibility to evaluate relevant evidence falls on F.I.R.S.T. Institute. However, both the complainant and respondent have the right to provide, review, and respond to directly relevant evidence throughout the investigation process. This applies even if the school chooses not to use some of that evidence. Evidence can be both facts and witnesses (even expert ones), as well as be inculpatory (accusing) or exculpatory (absolving). Directly related evidence can also be used for cross-examination.
- The parties are not restricted in discussing allegations or gathering information as is necessary due to the nature of the grievance procedures.
- Relevant evidence may also be considered during the hearing and cross-examination process in accordance with applicable Title IX regulations.

Determination of Evidence

- For both formal complaints against students and employees, the preponderance of the evidence standard will be used to objectively evaluate relevant evidence. Evidence can be both facts and witnesses, as well as be inculpatory (accusing) or exculpatory (absolving). This standard will be applied to all formal complaints, regardless of whether the respondent is a student, employee, or faculty member.
- "Determinations of credibility, including of the respondent, must be based on objective evaluation of relevant evidence – not on inferences based on party status." (85 FR 30247)
- Both parties also have the "right to consent to the use of the party's own medical, psychological, and similar treatment records" for these records to be used as evidence.
- "Parties have at least ten days to submit a written response to the evidence that is directly related to the allegations raised in a formal complaint."

Investigative Report

- F.I.R.S.T. Institute will provide both the complainant and respondent with the "investigative report summarizing the relevant evidence, prior to reaching a determination regarding responsibility."
- This will be submitted to the parties "at least ten days prior to the hearing" to allow them time to respond.

Live Hearing

When required by applicable Title IX regulations, F.I.R.S.T. Institute will conduct a live hearing before a trained Decision-Maker. The hearing may be conducted in person or through technology that permits the parties to simultaneously see and hear one another.

Format

During the live hearing, each party's advisor will have the opportunity to conduct cross-examination to the extent required by applicable Title IX regulations. The Decision-Maker will oversee the hearing, determine the relevance of

questions before they are answered, and ensure that the hearing is conducted fairly, impartially, and in accordance with this policy and applicable law.

Cross-Examination and Relevancy

- Only party advisors can directly cross-examine the other party and the other party's witnesses. Cross-examination cannot be done by the parties themselves.
- Advisors must act professionally or be asked to step out of the room until they are ready to return with proper behavior.
- Advisors cannot inappropriately ask the complainant about prior sexual history due to rape shield protections. Likewise, only relevant evidence will be considered during the grievance procedures.
- The adjudicator (decision-maker) has the right to determine the relevancy of a question and can explain why a non-relevant question is excluded before a party or witness answers it.
- The Decision-Maker will consider statements, testimony, and other evidence in accordance with applicable Title IX regulations and controlling law. A party's or witness's decision not to participate in the hearing or answer questions will not, by itself, result in an inference regarding responsibility.
- Please note that a complainant's sexual history is not considered relevant evidence. The following are the only exceptions under the updated regulations:
 - "The first exception applies to the narrow circumstance where a respondent contends that someone other than the respondent committed the misconduct." (85 FR 30353)
 - "The second applies narrowly to allow sexual behavior questions or evidence *concerning incidents between the complainant and respondent* if offered to prove consent. The second exception does not admit sexual history evidence of a complainant's sexual behavior with someone other than the respondent." (85 FR 30353)

Appointment of an Advisor

- Since the complainant and respondent cannot cross-examine each other, the school will provide an advisor for the party(ies) at no cost if there is no advisor present at the hearing.

Standard of Evidence

- F.I.R.S.T. Institute applies the preponderance of the evidence standard for all formal complaints of sexual harassment.

Recording

- All live hearings will be audio or audiovisually recorded as required by applicable Title IX regulations. The recording or transcript will be made available to the parties for inspection and review as required by applicable law.

Responsibility Determination

- The adjudicator (Decision-Maker) will apply the preponderance of the evidence standard and objectively evaluate all relevant evidence when making a determination regarding responsibility.
- The adjudicator (decision-maker) will apply the preponderance of the evidence standard to directly relevant evidence to make a determination of responsibility.

Record Keeping

F.I.R.S.T. Institute will maintain all records relating to reports, complaints, investigations, grievance procedures, informal resolutions, appeals, supportive measures, and training in accordance with applicable federal and state law. Unless a longer retention period is required by law, these records will be retained for at least seven (7) years from the date the matter is concluded.

Records maintained under this policy include, but are not limited to:

- Formal complaints and reports of alleged violations.
- Documentation of supportive measures offered, requested, implemented, modified, or denied, including the basis for any decisions made.
- Documentation demonstrating the Institution's response to reports and complaints and the actions taken to restore or preserve equal access to its education programs and activities.
- Investigation files, including evidence collected, witness statements, and investigative reports.
- Audio recordings, audiovisual recordings, transcripts, or other official records of hearings, when applicable.
- Written determinations, findings of responsibility, and any disciplinary sanctions imposed.
- Remedies provided to complainants following a determination, when applicable.
- Appeals, appeal decisions, and supporting documentation.
- Informal resolution agreements and documentation of their outcomes.
- Documentation of any additional actions taken by the Institution in response to a report or complaint.
- Training materials used to prepare Title IX Coordinators, investigators, decision-makers, appeal officers, and individuals who facilitate informal resolution processes.
- Any other records required to demonstrate the Institution's compliance with Title IX and applicable federal regulations.

Title IX training materials will be maintained and made available as required by applicable law.

Knowingly False Statements, Evidence Tampering, and Retaliation

- The Institution may take appropriate disciplinary action against an individual who knowingly makes a materially false statement or knowingly submits materially false information during the Title IX process. A determination that a respondent is not responsible, or that available evidence is insufficient to establish a policy violation, does not by itself establish that a report was knowingly false or made in bad faith.
- There will also be disciplinary measures taken if either the complainant or respondent are found to have tampered with evidence regardless of the reason why.
- Retaliation against any individual for participating in a Title IX process is strictly prohibited.
- Nothing in this policy prohibits F.I.R.S.T. Institute from requiring employees to participate as witnesses or otherwise assist with an investigation, proceeding, or hearing when required as part of their employment responsibilities and permitted by applicable law.
- Retaliation concerns may be reported directly to the Title IX Coordinator and will be investigated promptly and equitably. The Institution may implement interim protective measures to prevent further retaliatory conduct during the investigation process.

Outcomes Notice

Upon completion of the grievance process, the Decision-Maker will simultaneously provide the complainant and the respondent with a written determination regarding responsibility. The written determination will clearly explain the outcome of the grievance process and the basis for the decision.

The written determination will include, at a minimum:

- A summary of the allegations investigated.
- A description of the procedural steps taken throughout the grievance process, including notifications provided to the parties, interviews conducted, evidence gathered, hearings held (if applicable), and other investigative activities.
- Findings of fact that support the determination.
- Conclusions regarding the application of this Title IX Policy to the facts of the case.
- A determination regarding responsibility for each allegation.
- The rationale supporting each determination made by the Decision-Maker.
- Any disciplinary sanctions imposed on the respondent, if applicable.
- Information regarding any remedies that will be provided to the complainant to restore or preserve equal access to the Institution's education programs or activities, consistent with applicable privacy laws.
- Information describing each party's right to appeal, including the procedures, timelines, and permissible grounds for filing an appeal.

To protect the privacy of the parties, the written determination will not disclose the specific details of supportive measures provided to either party unless disclosure is required by law or is necessary to implement the remedies ordered.

The written determination will be issued simultaneously to both parties as soon as reasonably practicable following the conclusion of the grievance process. The Institution will make reasonable efforts to provide the written determination within fourteen (14) calendar days after the conclusion of the hearing or, if no hearing is required, after the Decision-Maker has completed the review of all relevant evidence. If additional time is necessary due to the complexity of the matter or other good cause, both parties will be notified of the delay and the anticipated timeframe for issuance of the decision.

Possible Disciplinary Sanctions and Remedies

Disciplinary sanctions will only be taken if the respondent is found responsible for the violation of this policy. Please note that these "need not be non-disciplinary or non-punitive and need not avoid burdening the respondent." (85 FR 30274)

Possible Student Sanctions

If a student respondent is found responsible for violating this policy, disciplinary sanctions may include, but are not limited to:

- Formal written warning;
- Probation;
- Modification of class schedule, cohort, or start date;
- Suspension or leave from the Institution, when appropriate;
- Dismissal or expulsion from F.I.R.S.T. Institute; and
- No-contact directives or other restrictions reasonably necessary to address the misconduct and protect the educational environment.

Possible Employee Sanctions

If an employee respondent is found responsible for violating this policy, disciplinary sanctions may include, but are not limited to:

- Formal written warning or other corrective action;
- Modification of work assignments or responsibilities;
- Suspension or administrative action, as appropriate;
- Termination of employment; and
- No-contact directives or other restrictions reasonably necessary to address the misconduct and protect the educational or workplace environment.

Remedies

Following a determination that a respondent is responsible for violating this policy, F.I.R.S.T. Institute may provide remedies designed to restore or preserve the complainant's equal access to the Institution's education programs or activities. Remedies may include measures similar to the supportive measures described elsewhere in this policy but may also be disciplinary or impose a burden on the respondent when appropriate following a determination of responsibility.

The Title IX Coordinator is responsible for coordinating the implementation of any remedies ordered following the grievance process.

Appeals Process

Both the complainant and the respondent have the right to appeal the Institution's written determination or the dismissal of a formal complaint. An appeal may not be submitted solely because a party disagrees with the outcome of the investigation or grievance process.

An appeal may be filed only on one or more of the following grounds:

- A procedural irregularity that materially affected the outcome of the matter.
- New evidence that was not reasonably available at the time the determination or dismissal was made and that could materially affect the outcome.
- A conflict of interest or bias by the Title IX Coordinator, investigator, decision-maker, or Appeals Officer that materially affected the outcome of the matter.

A party wishing to appeal must submit a written appeal to the Title IX Coordinator within seven (7) calendar days of receiving the written determination or dismissal. The appeal must clearly identify the grounds for the appeal and include any supporting documentation.

Upon receipt of a timely appeal:

- The Title IX Coordinator will promptly notify the other party in writing that an appeal has been filed.
- Both parties will be provided an equal opportunity to submit a written statement in support of, or in response to, the appeal.
- The appeal will be assigned to a trained Appeals Officer who was not involved in the investigation, decision-making process, or prior review of the matter and who is free from any conflict of interest or bias.

- The Appeals Officer will not give deference to a party based on that party's status as complainant or respondent and will conduct the appeal impartially based on the permitted grounds for appeal and the record before the Appeals Officer.
- The Appeals Officer will conduct an impartial review of the appeal and all relevant information submitted by the parties.

Following the review, the Appeals Officer will issue a written decision that includes the basis for the decision and the rationale supporting the outcome. The written appeal decision will be provided simultaneously to both parties.

The Institution will make reasonable efforts to issue an appeal decision within fourteen (14) calendar days after the appeal is received. If additional time is necessary due to the complexity of the matter or other good cause, both parties will be notified of the extension and the anticipated timeline.

If an appeal is granted, the Institution will take appropriate corrective action consistent with the findings of the Appeals Officer, which may include reopening the investigation, conducting additional proceedings, modifying the determination, or implementing other appropriate remedies.

If an Appeals Officer is determined to have a conflict of interest or bias, the Institution will appoint a qualified substitute Appeals Officer.

The decision of the Appeals Officer is final. There is no further institutional appeal beyond the Appeals Process described in this policy.

ACCOMMODATIONS

A party who requires a disability-related accommodation, language assistance, interpreter, auxiliary aid, or other reasonable modification to participate in the Title IX process should contact the Title IX Coordinator. The Title IX Coordinator will work with appropriate institutional personnel to arrange reasonable accommodations and ensure that all parties have an equal opportunity to participate in the Title IX process.

PREGNANCY & LACTATION ACCOMMODATION

F.I.R.S.T. Institute prohibits unlawful discrimination based on pregnancy, childbirth, termination of pregnancy, false pregnancy, recovery from pregnancy or childbirth, lactation, and related medical conditions in accordance with applicable federal and state law. The Institution will provide reasonable modifications, accommodations, leave, lactation-related protections, and other assistance to students and employees as required by applicable law.

Students and employees seeking pregnancy- or lactation-related modifications, accommodations, or assistance may contact the Title IX Coordinator, who will coordinate with appropriate institutional personnel to evaluate the request and provide any protections or accommodations required by applicable law. F.I.R.S.T. Institute prohibits retaliation against any individual for requesting or receiving pregnancy- or lactation-related accommodations or protections.

No student or employee will be required to provide medical documentation unless such documentation is permitted and reasonably necessary under applicable law to determine an appropriate modification or accommodation.

RESOURCES

Florida Council Against Sexual Violence

- Statewide Hotline – 888-956-7273
- TTY/TTD accessibility – 711
- Website – <https://www.fcasv.org/>

Florida Department of Law Enforcement (FDLE) sexual predator and sexual offender registry website and toll-free telephone numbers.

- Toll-Free Number – 1-888-357-7332
- Local Number – 1-850-410-8572
- Email – sexpred@fdle.state.fl.us
- Website – <https://offender.fdle.state.fl.us/offender/sops/home.jsf>

National Domestic Violence Hotline

- Telephone Hotline – 1-800-799-7233
- TTY Hotline – 1-800-787-3224
- Website – <https://www.thehotline.org/>

National Sexual Assault Hotline

- Telephone Hotline – 1-800-656-HOPE (4673)
- Online Hotline – <https://rainn.org/resources>
- Website – <https://www.rainn.org>

Victim Service Center of Central Florida, Inc.

- 24-Hour Crisis Line – 407-500-HEAL
- Online Contact Form – <https://www.victimservicecenter.org/contact-us/>
- Email – vsc@ocfl.net
- Website – <https://www.victimservicecenter.org>

VictimConnect Resource Center

- Call or Text – 1-855-484-2846
- Website - <https://victimconnect.org>

RIGHTS OF THE PARTIES

F.I.R.S.T. Institute is committed to ensuring that all parties involved in the Title IX grievance process are treated with fairness, dignity, respect, and impartiality. Throughout the grievance process, both the complainant and the respondent are entitled to the following rights:

- To receive information regarding this Title IX Policy and the grievance procedures.
- To have reports of alleged sex discrimination or sex-based harassment promptly reviewed and addressed in accordance with this policy.
- To be treated equitably throughout the grievance process.

- To receive timely written notice of allegations, meetings, interviews, hearings, determinations, and appeal decisions, as applicable.
- To participate in a grievance process that is prompt, fair, impartial, and conducted by individuals who are free from conflicts of interest or bias.
- To be presumed not responsible for the alleged conduct unless and until a determination of responsibility is made through the applicable grievance process.
- To receive reasonably available supportive measures, when appropriate.
- To request reasonable accommodations for a disability, language barrier, or other circumstance that may affect meaningful participation in the grievance process.
- To be accompanied by an advisor of their choice, including a family member, friend, attorney, or other representative, as permitted by this policy.
- To present witnesses, submit relevant evidence, and identify other information that may assist in the investigation.
- To inspect, review, and respond to evidence collected during the investigation, consistent with applicable law and this policy.
- To have the Institution bear the burden of gathering sufficient evidence to reach a determination regarding responsibility.
- To participate in an investigation in which credibility determinations are based on the evidence presented and not on a party's status or decision to participate.
- To be free from retaliation for reporting concerns, participating in the grievance process, or exercising any rights protected under this policy.
- To access counseling, advocacy, law enforcement, medical, and other community resources, whether or not a formal complaint is filed.
- To appeal a determination or dismissal on the grounds and within the timeframes established in this policy.
- To receive a written determination explaining the outcome of the grievance process and, when applicable, the rationale supporting the decision.

In addition:

- A complainant has the right to withdraw a formal complaint by providing written notice to the Title IX Coordinator, subject to the Institution's obligations under applicable law.
- Either party may withdraw from an Informal Resolution Process at any time before a final agreement is reached and, where permitted, resume the formal grievance process.
- If a complainant or respondent is a minor or otherwise legally represented, a parent, guardian, or other authorized legal representative may exercise rights on that individual's behalf, consistent with applicable law.

ADDITIONAL LEGAL AND ADVOCACY RESOURCES

Individuals seeking legal advice regarding Title IX or related matters may consult an attorney of their choice or utilize the legal and advocacy resources listed below. The inclusion of these resources is for informational purposes only and does not constitute an endorsement or recommendation by F.I.R.S.T. Institute.

Florida Bar Lawyer Referral Service

The Florida Bar Lawyer Referral Service can help individuals locate a qualified attorney throughout the State of Florida.



F.I.R.S.T. Institute

- Telephone: (800) 342-8011
- Website: <https://lrs.floridabar.org>

Community Legal Services of Mid-Florida

Community Legal Services provides legal assistance to eligible individuals in Central Florida.

- Telephone: (800) 405-1417
- Website: <https://www.clsmf.org>

U.S. Department of Education – Office for Civil Rights (OCR)

Individuals who believe they have experienced discrimination prohibited by Title IX may also file a complaint with the U.S. Department of Education, Office for Civil Rights.

- Telephone: (800) 421-3481
- Email: OCR@ed.gov
- Online Complaint Portal: <https://ocrcas.ed.gov>
- Website: <https://www.ed.gov/about/offices/list/ocr>

Victim Service Center of Central Florida

Confidential advocacy, crisis intervention, counseling referrals, and victim support services are available through the Victim Service Center of Central Florida.

- 24-Hour Crisis Line: (407) 500-HEAL (4325)
- Website: <https://victimservicecenter.org>