

## **TITLE IX POLICIES**

Title IX of the Education Amendments of 1972 ("Title IX") prohibits discrimination on the basis of sex in any federally funded education program or activity. Sexual harassment, which includes sexual violence, is a form of sex discrimination.

Because South Florida Bible College & Theological Seminar (SFBC) accepts federal student loans, SFBC is committed to the fulfillment of the Title IX requirements.

SFBC is committed to providing an environment free from discrimination, including discrimination based upon sex. The College provides support and resources to students, faculty, and staff to address concerns related to sex discrimination. To this end, the college has appointed Phyllis Wright, M.A., Vice President for Student Life, as the Title IX Coordinator. Retaliation against an individual who has filed a complaint under Title IX is prohibited and SFBC will take strong action if it occurs. As Title IX Coordinator, Phyllis Wright has the following responsibilities:

- Responsibility for overall Title IX compliance
- Oversight of the Deputy Title IX Coordinator
- Assisting the complainant in identifying the appropriate policy and personnel to help to
- resolve the complaint in a prompt and equitable manner
- Central source for all sexual harassment/misconduct allegations on campus
- Responsibility for 'climate checks'/tracking/monitoring sexual harassment/misconduct
- allegations on campus
- Coordination of education and prevention efforts

### **CONTACT INFORMATION FOR TITLE IX COORDINATOR:**

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Vice President for Student Life

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### **HARASSMENT POLICY**

It is the policy of South Florida Bible College (SFBC) that bullying, discrimination, and harassment within our community, in any form, is prohibited. For the purposes of this policy, harassment is defined as unwelcome conduct, whether verbal or physical, based upon a person's protected status (race, color, gender, age, religion, marital status, national origin, veteran status or disability as defined by applicable federal and state laws and regulations) and which affects tangible job benefits or opportunities; interferes with work performance, or creates an intimidating, hostile, or offensive work environment. In most instances, harassment involves an abuse of power or authority by an individual who has control over the employment or academic status of another. However, harassment can occur between peers (e.g., student-against-student harassment).

One form of harassment, sexual harassment, merits a more detailed discussion. Special provisions relating to sexual harassment are included in the following section. All members of the SFBC community are urged to immediately report all incidents of harassment whenever they occur. The following sections address the Requirement to Report, Complaint Procedure, and Protection from Retaliation for all instances of harassment.

### **SEXUAL HARASSMENT**

SFBC is committed to providing its faculty, staff, and students with an environment free from explicit and implicit coercive sexual behavior used to control, influence, or affect the wellbeing of any member of the

SFBC community. No student or employee, male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, whether verbal, written, or physical. This includes inappropriate behavior from a member of the same sex. Sexual harassment of any type will not be tolerated and is expressly prohibited. Those who engage in sexual harassment may be subject to civil and criminal penalties. Sexual harassment is grounds for disciplinary action, which may include reprimand, demotion, dismissal, or other appropriate action, depending upon the nature of the harassment.

Sexual harassment is especially destructive when it threatens relationships between teachers and students, or supervisors and subordinates. Through control over grades, salary decisions, changes in duties or workloads, recommendations for graduate study, promotion, etc., a teacher or supervisor can have a decisive influence on a student, staff, or faculty member's career at the college. Sexual harassment in such situations constitutes an abuse of the power inherent in a faculty member's or supervisor's position. Faculty and staff are asked to be especially sensitive to the fact that they are in a position of authority over students and that authority carries with it a responsibility to be mindful of situations in which they are dealing with students in private, one-on-one associations both on and off-campus.

**Sexual Harassment Defined:** Sexual harassment does not refer to occasional compliments of a socially accepted nature. It refers to behavior that is not welcome; is offensive; harms morale; creates a hostile, intimidating, or offensive work environment; and which consequently interferes with work effectiveness. Normal, courteous, mutually respectful, pleasant, or non-coercive interactions acceptable to both parties are not considered to be sexual harassment.

Sexual harassment is unwanted sexual attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted. Sexual harassment includes sexually oriented conduct that is sufficiently pervasive or severe to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment. Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Students and employees are prohibited from harassing other students and employees whether or not the incidents of harassment occur on the college premises and whether or not the incidents occur during working hours. Sexual harassment encompasses a wide range of conduct. The examples listed below are not intended as an exhaustive list of prohibited conduct.

1. Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature (e.g. pinching, patting, touching the body, brushing up against, tickling, hugging, kissing, or other similar physical conduct).
2. Continued or repeated unwelcome offensive behavior including sexual flirtations, advances, propositions or other sexual comments (e.g. whistling, leering/ogling, lewd gestures, noises, off-color or suggestive language; lewd remarks, innuendoes, sexual jokes, or comments about a person's body, appearance, sexuality or sexual experience). This includes behavior directed at or made in the presence of any individual who indicates, or has indicated in any way, that such conduct in his or her presence is unwelcome.
3. Preferential treatment or promises of preferential treatment to a student or employee for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward.
4. Displaying or distributing any written or graphic material, including calendars, posters, drawings and cartoons that are sexually suggestive, sexually demeaning or pornographic.
5. Threats and demands to submit to sexual requests as a condition of employment or academic status (e.g. assignment, compensation, advancement, career development), as well as offers of job benefits, or academic opportunity in return for sexual favors.

Sexual harassment may result from an intentional or unintentional action and can be subtle or blatant. The context of events and the totality of the circumstances surrounding those events are important in determining whether a particular act or series of events constitutes sexual harassment.

**Requirement to Report:** In order for SFBC to take appropriate corrective action, it must be aware of any instance of harassment or related retaliation. Therefore, the college requires anyone who believes that he or she has experienced or witnessed sexual or other form of harassment or related retaliation to seek assistance from the appropriate campus resource (as outlined in the next section) by coming forward promptly with concerns or complaints.

Supervisors must deal expeditiously and fairly with allegations of sexual harassment within their department, taking all complaints or concerns of alleged or possible harassment seriously. They are to ensure that harassment or inappropriate sexually oriented conduct is reported to the Office of Human Resources immediately so that a prompt investigation can occur. Supervisors should take any appropriate action to prevent retaliation or prohibited conduct from reoccurring during and after any investigations or complaints. Supervisors who knowingly allow or tolerate sexual harassment or retaliation are in violation of this policy and subject to discipline.

**Complaint Procedure:** If a student or employee believes that he or she has been subject to sexual harassment or any unwanted sexual attention, they should make their unease and/or disapproval directly and immediately known to the harasser whenever possible. If the situation is not immediately resolved, or if the employee is unable to or uncomfortable to address the alleged harasser directly, he or she should report the incident to the appropriate authority as outline below.

A student with a complaint of harassment against a faculty member, staff member, a member of the administration, or another student should make initial contact with the Vice President for Student Life. Alternate contacts include the student Chaplain, Vice President for Academic Affairs, and the President. The contact person will complete a written incident report and forward to the Director of Human Resources.

To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

SFBC will handle the matter with as much confidentiality as possible. The college will conduct an immediate investigation in an attempt to determine all of the facts concerning the alleged harassment. The investigation will be directed by the Director of Human Resources. However, if someone from that office is the subject of the investigation, the Vice President for Academic Affairs (faculty) will direct the investigation.

The Director of Human Resources, or the leader of the investigation, is responsible for ensuring that both the individual filing the complaint and the respondent are aware of the college's sexual harassment policy and investigation. He or she is to explore informal means of resolving sexual harassment complaints and notify the police if criminal activities are alleged.

As a part of the investigation of the claim of sexual harassment, the contact person, the complainant, and the respondent will be asked to provide statements regarding the incident. Once the report is reviewed and investigation is concluded, a finding may be that sexual harassment did occur, and corrective action (reprimand, demotion, dismissal, or other appropriate action) will be communicated in writing to the complainant and respondent. Appeals to this process may be conducted by seeing the Vice President for Student Life or Human Resources Director.

All documents, except disciplinary action documents, related to an incident will remain in a file other than the employee's personnel file. Although filed separately, all personnel related files will be kept in the Office of Human Resources. In cases involving students, all documents will be maintained by the Office of Student Life.

**Protection Against Retaliation:** There will be no retaliation of any kind against individuals who, in good faith, report instances of sexual or other form of harassment, or who participate in or are witness to a procedure to redress a complaint of sexual or other form of harassment is prohibited not only by college policy but also by state and federal law. Retaliation is a serious violation which can subject the offender to sanctions independent of the merits of the harassment allegation. Any individual found to have violated this provision will be subject to disciplinary action, up to and including dismissal.

## **CAMPUS SAVE ACT**

### **POLICY CONCERNING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING**

SFBC values the intrinsic worth of every individual, and we are committed to providing our faculty, staff, and students with a safe learning and working environment. Our respect for other individuals includes an appreciation of cultural backgrounds different from our own, an understanding of different attitudes and opinions, and an awareness of the consequences of our actions on the broader community. (Luke 12:7 "But even the hairs of your head are all counted. Do not be afraid; you are of more value than many sparrows." Galatians 6:12 "Brothers, if someone is caught in a sin, you who are spiritual should restore him gently, but watch yourself, or you may also be tempted. Carry each other's burdens, and in this way you will fulfill the law of Christ." NIV)

Because of our high value on the life and safety of each member of the SFBC community and in compliance with the Jeanne Cleary Act (Cleary Act), the Campus Sexual Violence Elimination Act (SaVE Act), and the Violence Against Women Reauthorization Act (VAWA), SFBC has adopted policies and procedures to specifically prevent and respond to incidents of sexual assault, domestic violence, dating violence, and stalking. These guidelines apply to all members of the SFBC Community (students, faculty, and staff) as well as third party contractors and visitors. SFBC will not tolerate sexual assault, domestic violence, dating violence, or stalking, as defined in this policy, in any form. Such acts of violence are prohibited by policy, as well as state and federal laws. Individuals whom SFBC determines have engaged in these types of behaviors are subject to discipline up to and including expulsion from SFBC.

### **SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING DEFINED**

**Sexual Assault** refers to any sexual act without the explicit consent of the recipient of the behavior. In some cases, this may include force. Force may include, but is not limited to, the use of or display of a weapon, physical battering, or immobilization of the other person. Consent shall be defined as the act of willingly and verbally agreeing to engage in specific sexual contact or conduct. Psychologically pressuring or coercing an individual or any attempt to take advantage of an individual under duress or when incapable of making a decision on his or her own is a direct violation of the policy. This includes situations in which an individual is under the influence of alcohol, drugs and/or prescribed medications, and it also includes incest and statutory rape.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by:

- an individual's current or former spouse,
- an individual's current or former cohabitant
- a person with whom the individual shares a child

- a person whom the individual is in any other situation protected by domestic or family
- violence law

**Dating Violence** is defined as violence by a person who has been in a romantic or intimate relationship with the victim.

**Stalking** refers to conduct directed at a specific person that would cause a reasonable person to fear for his/her or another person's safety or suffer substantial emotional distress.

## SFBC EDUCATION PROGRAMS AND EFFORTS

SFBC is committed to providing every student, faculty, and staff member with educational resources to raise awareness and promote strategies to effectively prevent sexual assault, domestic violence, and stalking before they occur.

- **New Student Orientation:** SFBC's orientation program addresses support services available to all new, returning, and transfer students through a series of presentations given by Vice President for Student Life.
- **Safety Officers:** A Campus Safety employee is available during all nights that classes are offered.

## RIGHTS OF THE VICTIM

SFBC encourages and affirms the rights of any SFBC community member who believes that he or she has experienced sexual assault to report and seek assistance from the appropriate on-campus resource or off campus authority by coming forward promptly with concerns or complaints. SFBC also encourages the victim of sexual assault to report the incident to the Title IX coordinator and/or the President to consider campus corrective action if the perpetrator is another student or SFBC employee.

SFBC is committed to the safe, sensitive, confidential, and fair handling of sexual assault situations. There will be no retaliation of any kind against individuals who, in good faith, report situations involving sexual assault.

## LOCAL RESOURCES

- Student Chaplain 954-637-2280
- Student Life Office 954-637-2272
- Community Christian Counseling 954-989-1444
- Broward County Police Department 954-480-4300

## INFORMATION AND PREVENTION TIPS ON SEXUAL ASSAULT AND VIOLENCE AGAINST WOMEN

- <http://www.womenshealth.gov/violence-against-women/>
- <http://www.cdc.gov/violenceprevention/sexualviolence/index.html>

## BYSTANDER INTERVENTION

The Women's Resource & Rape Assistance Program (WRAP) defines a bystander as:

"Anyone who plays the same role in an act of harassment, abuse or violence – but is neither the perpetrator nor the victim. It is someone who is present and thus potentially in a position to discourage, prevent, or interrupt an incident."

For more information on bystander intervention techniques, please

visit: <http://www.wraptn.org/active-bystander.html>

#### SEXUAL ASSAULT COMPLAINT PROCEDURE

- 1) A student with a complaint of sexual assault involving a fellow student, faculty, or staff member, a member of the administration, or another member of the campus community should make initial contact with one of the following:
  - a) SFBC's Title IX Coordinator: Phyllis Wright, [pwright@sfbc.edu](mailto:pwright@sfbc.edu)
- 2) Employees should make initial contact with one of the following:
  - a) Human Resources Director: Erica Barbosa, [hr@sfbc.edu](mailto:hr@sfbc.edu)
- 3) Any student, faculty, or staff may present an oral or written report (incident report form) of the facts as they know them regarding the alleged violation which will be referred to SFBC's Title IX Coordinator.
- 4) If an investigation concludes that more likely than not (preponderance of evidence) that an act of sexual assault, domestic violence, dating violence, or stalking has occurred, a meeting will be arranged with the accused individual.
- 5) The accused individual will receive written or verbal notification from the Vice President for Student Life that there is an alleged sexual assault.
- 6) All conduct proceedings, whether the conduct is reported to have occurred on or off campus, shall provide a prompt, fair, and impartial investigation and resolution. All investigations and proceedings shall be conducted by officials who receive annual training on the nature of the types of cases they are handling, how to conduct a proceeding in a manner that protects the safety of each individual and promotes accountability.
- 7) SFBC seeks to investigate any official complaints of sexual abuse, domestic violence, dating violence, or stalking that is filed with the college within 20 days of receipt of that complaint, unless mitigating circumstances require the extension of time frame beyond 20 days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, college breaks or vacations that occur during the pendency of an investigation, or other unforeseen circumstances. In these matters the complainant and the respondent shall be notified, provided an explanation, and given information about the amount of additional time required.
- 8) In all investigatory and adjudication proceedings conducted by the college concerning charges of sexual misconduct, domestic violence, dating violence, or stalking, including any related meetings or hearing, recorded testimony is not permitted for either the complainant and the respondent both will be afforded the same process rights as referred to in the Student Handbook, including equal opportunities to have others present. This includes the right to be accompanied by an advisor of their choice. Both the complainant and respondent will also be afforded an equal opportunity to introduce evidence and identify witnesses.
- 9) When a student is accused of any violation of the student conduct code, including but not limited to charges that he or she engaged in sexual assault, domestic or dating violence, or stalking, the charges will be decided using the preponderance of evidence standard.
- 10) When the Title IX Coordinator completes an investigation, both the complainant and the respondent shall simultaneously be informed verbally and in writing within seven business days of the outcome of the investigative or adjudicative proceeding. Both the complainant and respondent will be given the same procedures and timeframe to appeal the outcome of the proceeding 3-5 day; both parties will receive the same process rights if an appeal is granted; and the parties will both receive timely notice when the outcome becomes final. Disclosure of the outcome shall be made to both parties unconditionally, and each shall be free to share or not share the details with any third parties.
- 11) For additional information about student conduct proceedings, please consult the SFBC Student Handbook. For more information about employee conduct, please consult the SFBC Employee Handbook or the Faculty Handbook.