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Ringling College of Art and Design provides equal opportunity to its educational and administrative services, programs, and activities in accordance with federal and state law. This policy extends to the College's electronic and information technologies and applies to their procurement, development, implementation and ongoing maintenance. Ringling websites and web-based applications must either conform to WCAG 2.0 Level AA or their content and functionality be made available to Users on request (such as by a student request to the Office of Accessible Education) in an equally effective and accessible alternative manner.

## Institutional Policies

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### Non-Discrimination Policy

Ringling College of Art and Design does not discriminate on the basis of sex, age, gender, color, race, national or ethnic origin, religion, marital status, sexual orientation, gender identity or expression, pregnancy, disability, veteran status, genetic information, or any other basis prohibited by law ("Protected Trait"), in its programs or activities.

No person, because of a Protected Trait, will be excluded from participation in, or denied the benefits of or access to any educational program or activity provided by the College, except as may be explicitly permitted by law. This is not only the policy of the College, it is also the mandate under applicable federal and state laws and includes the administration of its educational policies, admissions policies, scholarship and loan programs, and other College administered programs.

The College's programs and activities are conducted in compliance with Section 504 of the Rehabilitation Act of 1973, as amended, with the Americans with Disabilities Act of 1990, as amended, Title VI of the Civil Rights Act of 1964, as amended, the Genetic Information Nondiscrimination Act, and with Title IX of the Education Amendments of 1972, as well as other state and federal laws protecting the Protected Traits listed above. The College is an equal opportunity educational institution.

The College does not discriminate on the basis of sex in its education programs and activities, or in the context of employment. Sexual harassment, including sexual assault, dating violence, domestic violence, and stalking, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. (See Ringling College of Art and Design Sexual Misconduct and Title IX Policy). Title IX requires that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964 and other applicable statutes.

Anyone engaging in practices that violate the Non-Discrimination Policy, including discrimination, harassment or retaliation against someone who complains about discrimination, will be subject to disciplinary action, up to and including expulsion or separation from the College. Anyone who believes he or she has been subjected to unlawful discrimination, harassment, retaliation or other practices in violation of the Non-Discrimination policy should immediately contact the Title IX Coordinator or Deputy Title IX Coordinator, as listed below.

### Inquiries

Inquiries regarding compliance with these statutes and referrals to designated coordinators under the ADA/ Section 504 and Title IX may be directed to Dr. Tracy Wagner, Title IX Coordinator, or to the Director of the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-1100, 1-800-421-3481. TDD 877-521-2172.

## Procedures for Discrimination Complaints

Cases falling under the jurisdiction of the Sexual Misconduct and Title IX Policy will be handled according to that policy. All other discrimination concerns will be handled pursuant to the procedures outlined here.

Cases alleged against student respondents will be processed under the Student Code of Conduct system. Cases alleged against other respondents (including faculty, staff, and others) will be handled pursuant to the procedures outlined in the Non-Harassment Policy.

The Title IX Coordinator and Deputy Coordinators will assist any individual wishing to inquire, make a report or a complaint and will provide information concerning the options for resolving a report under this policy.

The Title IX Coordinator has the overall responsibility for the implementation of the Title IX program at Ringling College. Darren Mathews, Deputy Title IX Coordinator, oversees the administration of grievance procedures for faculty and staff and coordinates training, education and communication of College discrimination and harassment policies to employees. Dr. Tammy Walsh, Deputy Title IX Coordinator, oversees the administration of the grievance procedures for students and coordinates training, education and communication to students.

### Title IX Coordinator

Dr. Tracy Wagner

Executive Vice President

Office Location: Office of the President, Keating Center, First floor

2700 N. Tamiami Trail

Sarasota, FL 34234

941-359-7595

[twagner@ringling.edu](mailto:twagner@ringling.edu)

### Deputy Title IX Coordinator

Dr. Tammy S. Walsh

Vice President for Student Life and Dean of Students

Office Location: Ulla Searing Center, Second floor

2700 N. Tamiami Trail

Sarasota, FL 34234

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### Deputy Title IX Coordinator

Jekeyma Robinson

Associate Dean of Students for Student Development

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### Deputy Title IX Coordinator

Darren Mathews

Director of Human Resources

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Updated 6/1/2021

Revision Approved by President Larry R. Thompson August 12, 2022

# Sexual Misconduct and Title IX Policy

(effective September 1, 2023)

## Introduction

Ringling College of Art and Design (“Ringling” or “the College”) is committed to creating and maintaining a community in which students, faculty, and staff can work together in an atmosphere free from discrimination. Specifically, every member of the College community should be aware that Ringling College is opposed to discrimination and harassment on the basis of sex, gender, gender expression, gender identity, pregnancy, and sexual orientation, and that such behavior is prohibited by College policy. Such discrimination includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking. Together, these forms of discrimination and harassment are defined as “Prohibited Conduct” below.

Title IX of the Educational Amendments of 1972 (Title IX) is a Federal law which prohibits discrimination on the basis of sex in education, programs or activities. It provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any educational program or activity provided through the College. This is not only the policy of the College, it is also the mandate under applicable federal and state laws and applies with regard to the College’s employment, admissions, academic programs, scholarship and loan programs, and other College administered programs.

While it is often thought of as a law that applies to athletics programs, Title IX is much broader than athletics and applies to all programs and activities of Ringling College. While compliance with the law is everyone’s responsibility at Ringling College, the College has a designated Title IX Coordinator and Deputy Title IX Coordinator to oversee its response to all reports of Prohibited Conduct as defined by this Policy, and coordinate compliance with the mandates of Title IX. The Title IX Coordinator and Deputy Title IX Coordinator are knowledgeable and trained in the College’s policies and procedures, State and Federal laws that apply to sexual misconduct and harassment, and the dynamics of sexual misconduct and harassment.

Any individual may report Prohibited Conduct under this Policy, regardless of whether the person reporting is the person that is reported to have experienced the Prohibited Conduct. The Title IX Coordinator and Deputy Title IX Coordinator are available to meet with any individual to discuss the options for resolving a report under this policy. The College will respond promptly in a manner that is not deliberately indifferent when the College has actual knowledge of Prohibited Conduct in an educational program or activity of the College. Where a report is made regarding Prohibited Conduct, the Title IX Coordinator will promptly respond to such reports by offering supportive measures, following the fair and equitable grievance process outlined in this Policy to resolve allegations of Prohibited Conduct and where a Formal Complaint is filed, the Title IX Coordinator will ensure that appropriate discipline is issued when Prohibited Conduct is determined to have occurred, and take remedial action to restore or preserve equal access to the College’s education and activities.

The College’s programs and activities are conducted in compliance with Section 504 of the Rehabilitation Act of 1973, as amended, with the Americans with Disabilities Act of 1990, as amended, and with Title IX of the Education Amendments of 1972 and its implementing regulations as amended. Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964 and other applicable statutes.

This Policy implements the mandates of the Non-Discrimination Policy with regard to sex discrimination, sexual harassment, and other sex-related prohibited conduct as defined below.

## Scope of Policy

The Policy applies to students, faculty, staff, visitors, vendors, independent contractors, volunteers, and others who either conduct business with the College or conduct business on College owned or controlled property.

The Policy applies to Prohibited Conduct that:

- Occurs on campus;
- Occurs in connection to any College educational program or activity, including employment and admissions, regardless of where the conduct occurred; or
- Has continuing adverse effects on campus or on any member of the College community.

The purpose of this Policy is to:

- Define the forms of Prohibited Conduct that violate this Policy;
- Identify resources and support for members of the Ringling College community who may have experienced or been accused of Prohibited Conduct;
- Identify the Title IX Coordinator, the Deputy Title IX Coordinators, and their responsibilities related to the Policy;
- Provide information as to how an individual may make a report or Formal Complaint; and
- Provide information on how a Formal Complaint will be resolved, which may include informal resolution or a formal investigation and adjudication.

## Notice of Nondiscrimination and Designation of Title IX Coordinator

Ringling College of Art and Design does not discriminate on the basis of sex, age, gender, color, race, national or ethnic origin, religion, marital status, sexual orientation, gender identity or expression, disability, veteran status, genetic information, or any other basis prohibited by law, in its programs or activities. The College is an equal opportunity educational institution.

Title IX prohibits the College from discrimination on the basis of sex in the education programs or activities that it operates. This prohibition extends to admission and employment. This Policy provides for the prompt and equitable resolution of complaints alleging Prohibited Conduct, and explains the process that the College will use for doing so.

The Title IX Coordinator has been designated and authorized to implement the Title IX program at Ringling College. The Title IX Coordinator has been designated and authorized to coordinate the College's efforts to address concerns relating to discrimination and harassment on the basis of sex. Any of the Title IX Coordinator's duties may be delegated to Deputy Title IX Coordinators at the discretion of the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person who experienced the conduct that could constitute sex discrimination or sexual harassment), at any time including non-business hours (941-359- 7500) by contacting the Title IX Coordinator as follows:

### **Title IX Coordinator:**

Dr. Tracy Wagner – Executive Vice President  
Office location: Keating Center, First Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7595 [twagner@ringling.edu](mailto:twagner@ringling.edu)

### **Deputy Title IX Coordinator (Faculty and Staff):**

Darren Mathews – Assistant Vice President and Director of Human Resources  
Office location: Verman Kimbrough Bldg, First Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7619 [dmathews@ringling.edu](mailto:dmathews@ringling.edu)

### **Deputy Title IX Coordinators (Students):**

Dr. Tammy S. Walsh - Vice President for Student Life and Dean of Students  
Office location: Ulla Searing Student Center, Second Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7510 [twalsh@ringling.edu](mailto:twalsh@ringling.edu)

Jekeyma Robinson – Associate Dean of Students for Student Development  
Office location: Ulla Searing Student Center, Second Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 309-4375 [jrobinso@ringling.edu](mailto:jrobinso@ringling.edu)

Inquiries about Title IX may also be directed to the U.S. Department of Education's Office for Civil Rights by contacting 1-800-421-3481 or emailing [ocr@ed.gov](mailto:ocr@ed.gov).

The Coordinator oversees the administration of grievance procedures for faculty and staff, and coordinates training, education and communication of all College non-discrimination and non-harassment policies. The Deputy Title IX Coordinators oversee the administration of the grievance procedures for students and coordinates training, education and communication to students. Additional policies that work in conjunction with this Policy include the *Non- Harassment Policy*, *Student Code of Conduct*, *Non-Discrimination Policy*, and *Whistleblower Policy*.

The Title IX Coordinator and Deputy Title IX Coordinators are knowledgeable and trained in the College's policies and procedures, state and federal laws, that apply to Sexual Misconduct and Harassment, and the dynamics of Sexual Misconduct and Harassment. The Title IX Coordinator and Deputy Title IX Coordinators are available to meet with any individual to discuss the options for resolving a report under this policy.

In addition to addressing complaints against a particular party, the Title IX Coordinator also facilitates the handling of reports raised that the College's policies or practices may discriminate on the basis of sex. The Title IX Coordinator conducts an assessment of such concerns and, using procedures the Title IX Coordinator determines to be appropriate given the circumstances, works with the College to ensure that its policies and practices are compliant.

Any duties or discretion assigned to the Title IX Coordinator or Deputy Title IX Coordinator by this Policy may be assigned to a designee.

## Glossary of Terms

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

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

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

**Bias:** Bias means the tendency of an individual to share the perspective of one party over another party in a way that is unfair and not dependent on evidence. The following will not be considered evidence of bias, as indicated in the U.S. Department of Education's commentary to the Title IX regulations:

- The Title IX Coordinator's initiation of a formal complaint;
- An individual's decision that allegations warrant an investigation;
- An individual's current job title, professional qualifications, past experience, identity, or sex/gender;
- Use of trauma-informed practices when such practices do not rely on sex stereotypes, apply generalizations to allegations in specific cases, cause loss of impartiality, and result in prejudgment of the facts at issue.

The College will apply an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating whether a particular person serving in a Title IX role is biased, and will exercise caution not to apply generalizations that might unreasonably conclude that bias exists.

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

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

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

**Force:** Force is the use of physical violence or physical imposition to engage in sexual activity with another person.

Force also includes the use of threat, intimidation, or coercion to overcome a person's free will or resistance to freely giving consent. Threat, intimidation and coercion include:

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

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

**Human Rights Committee:** A fact-finding committee whose purpose is to respond to and resolve harassment complaints that are not eligible for a hearing under this Policy, nor do they involve a student respondent (in which case they are handled through the Student Conduct process). The Committee is a standing committee appointed by the President and comprised of three faculty members, two staff members, and two students. The student members of the Committee will participate only in those cases where other students are involved as the complainant. The Title IX Coordinator shall assist the Committee in coordinating its responsibilities under this Policy, but shall not participate in deliberations except as needed to answer questions about the Policy or the investigation process. If a member of the Human Rights Committee is unable to carry out their responsibilities in an impartial, unbiased manner, the Title IX Coordinator will designate an alternate official to serve on the Committee. If all members of the Human Rights Committee must be recused due to concerns about bias and/or impartiality, the Title IX Coordinator may appoint an external individual to perform the duties of the Committee.

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

Incapacitation is not the same as an alcohol-induced “blackout.” An alcohol-induced blackout is defined as a lack of memory for events occurring after consuming alcohol without a loss of consciousness. A blackout is memory loss during a period of impairment without the loss of other skills.

Factors that a person may use to determine incapacitation include, but are not limited to:

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

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

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

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

**Preponderance of the Evidence:** A determination based on facts that are more likely true than not true. Using this standard, where the evidence in a case is in equipoise, the preponderance of the evidence standard results in a finding that the respondent is not responsible. The College applies this standard of evidence for Formal Complaints against all respondents regardless of status, and applies the same standard of evidence to all formal complaints of Prohibited Conduct under this Policy.

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

**Supportive Measures:** Non-disciplinary, non-punitive individualized services offered to complainants and respondents as appropriate, reasonably available, and without fee or charge. This term also includes protective measures as referred to in the Clery Act.

**Title IX Threshold Requirements:** For a matter to constitute Sexual Harassment – Title IX, it must also meet all of these Threshold Requirements:

- The complainant must have been participating or attempting to participate in the College’s education program or activity at the time the Formal Complaint was filed;
- The complainant must have been standing in the United States at the time the conduct occurred;
- The complaint must allege conduct that, if true, could constitute Sexual Harassment – Title IX; and
- The conduct must be alleged to have occurred within the College’s education program or activity.

## Prohibited Conduct

This policy addresses a broad spectrum of behavior, all of which fall under the broad definition of Prohibited Conduct. The term Prohibited Conduct includes: sexual harassment – Title IX; sexual harassment – Non-Title IX; stalking – Non-Title IX; dating violence – Non-Title IX; domestic violence – Non-Title IX; sex discrimination; harassment on the basis of sex, gender, or sexual orientation; sexual exploitation; retaliation; and false

complaints and statements. Prohibited Conduct also includes actual, attempted or alleged criminal sexual abuse as defined by the State of Florida, to the extent it does not otherwise fall under one of the other categories of Prohibited Conduct.

Instructional material that is reported to form the basis for Prohibited Conduct shall not be deemed Prohibited Conduct unless the material is irrelevant to the subject of the course or the cumulative presentation of specific material is unbalanced to the degree that it rises to the level of Prohibited Conduct under this Policy.

**Sexual Harassment - Title IX** means conduct on the basis of sex that satisfies the definition of one or more of the following: *quid pro quo* sexual harassment by an employee; unwelcome conduct; sexual assault; dating violence; domestic violence; or stalking. To constitute Sexual Harassment – Title IX, the conduct must also meet all of the Title IX Threshold Requirements.

1. ***Quid Pro Quo* Sexual Harassment**

*Quid pro quo* sexual harassment occurs when a College employee conditions the provision of aid, benefit, or service of the College on participation in unwelcome sexual conduct.

2. **Unwelcome Conduct**

Conduct on the basis of sex that is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's educational program or activity.

3. **Sexual Assault**

Sexual assault is a forcible or non-forcible sex offense as classified under the Uniform Crime Reporting system of the FBI, to include:

- a. *Penetrative Sexual Assault* – penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. Attempts to commit penetrative sexual assault are also included within this definition.
- b. *Fondling* – Touching of the private body parts of another person, for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- c. *Incest* – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. *Statutory Rape* – Sexual intercourse with a person who is under the statutory age of consent.

4. **Dating Violence**

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

5. **Domestic Violence**

The term Domestic Violence includes felony or misdemeanor crimes committed on the basis of sex by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

6. **Stalking**

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

- Fear for the person's safety or the safety of others; or

- Suffer substantial emotional distress.

A course of conduct includes two or more acts, including but not limited to, those in which the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the complainant, or interferes with the complainant's property. The course of conduct must be committed on the basis of the victim's sex.

### **Sexual Harassment – Non-Title IX**

Sexual Harassment – Non-Title IX is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Sexual Harassment – Non-Title IX does not refer to occasional compliments of a socially acceptable nature or to welcome conduct.

### **Stalking – Non-Title IX**

Stalking – Non-Title IX is defined as stalking that meets the definition above under "Sexual Harassment – Title IX," but that does not occur on the basis of sex and/or does not meet the Title IX Threshold Requirements.

### **Domestic Violence – Non-Title IX**

Domestic Violence – Non-Title IX is defined as domestic violence that meets the definition above under "Sexual Harassment – Title IX" but that does not occur on the basis of sex and/or does not meet the Title IX Threshold Requirements.

### **Dating Violence – Non-Title IX**

Dating Violence – Non-Title IX is defined as dating violence that meets the definition above under "Sexual Harassment – Title IX" but that does not occur on the basis of sex and/or does not meet the Title IX Threshold Requirements.

### **Sex Discrimination**

Discrimination that occurs when conduct or a policy has the purpose or effect of restricting or denying access to opportunities, programs, or resources in relation to sex, gender, or sexual orientation, in a manner that interferes with an individual's ability to participate in any academic, extracurricular, research, occupational training, or other College education program or activity. Sex discrimination is prohibited in connection with housing, classes, counseling, financial assistance, employment, health and insurance benefits and services, and with regard to marital or parental status.

Sex discrimination does not include behavior that differentiates between sex/gender and is explicitly permitted by federal regulations, including single-gender housing and hiring when sex/gender is a bona fide occupational qualification reasonably necessary to the normal operation of the College.

### **Harassment on the Basis of Sex, Gender, or Sexual Orientation**

Harassment on the basis of sex, gender, or sexual orientation is defined as unwelcome verbal or physical conduct on the basis of one's sex, gender, gender identity, gender expression, or sexual orientation when:

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

### **Sexual Exploitation**

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

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

### **Retaliation**

Retaliation consists of words or actions taken in response to reporting of a policy violation or participation in the College's complaint process or the follow up to a complaint. Neither the College nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the regulations

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve Prohibited Conduct, but arise out of the same facts or circumstances as a report or complaint of Prohibited Conduct for the purpose of interfering with any right or privilege secured by Title IX or the regulations, constitutes retaliation. Complaints alleging retaliation may be filed according to the grievance procedures under this Policy.

Charging an individual with a code of conduct violation for making a materially false complaint or statement in bad faith in the course of a grievance proceeding under the regulations does not constitute retaliation, as described above, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false complaint or statement in bad faith.

### **False Complaints and Statements**

An individual found to have made a false complaint or to have knowingly and willingly given false statements during an investigation will be subject to disciplinary action. Submitting a good faith complaint, concern or report of harassment will not affect the complainant's employment, grades, academic standing, or work assignments.

## **Relationships**

Within this section, the following terms and definitions apply:

1. Affiliated Individuals. Employees, trustees, and vendors.
2. Employee. Faculty member (full-time, part-time, or adjunct; regular or visiting) or staff member (exempt or non-exempt; full-time or part-time; regular, casual, or temporary).
3. Trustees. Member or Honorary Life Member of the Board of Trustees.
4. Vendors. Organizations or individuals engaged in a contractual relationship with the College to execute a specific function such as food service, custodial service, other services or to provide temporary staffing services.
5. Student-staff. Undergraduate students enrolled in the College who are employed by the College, (e.g. resident assistant, teaching assistant, tutors).

For the purposes of this section of the policy, a “relationship” is defined as a single romantic date or sexual encounter.

Relationships between Affiliated Individuals and Students. All affiliated individuals are prohibited from initiating, engaging in, or attempting to engage in, sexual or dating relationships with any PreCollege or degree-seeking student. An affiliated individual involved in a sexual or dating relationship with a student which began prior to their engagement with the College or implementation of this policy is exempt from this prohibition, as is an employee whose spouse or domestic partner is a student. However, the relationship must be disclosed as outlined in the paragraph below (Disclosures) so that appropriate action, such as changing the reporting or grading structure, can be taken.

Relationships between Individuals in a Supervisory Relationship. All affiliated individuals and student-staff are prohibited from engaging in sexual or dating relationships with anyone under their direct supervision or whom they officially evaluate or mentor. They are further prohibited from officially supervising, evaluating, or mentoring anyone with whom they have had a relationship in the past, regardless of the consensual nature of the relationship. If such a relationship develops or exists, the relationship may be disclosed by anyone, but must be disclosed by the supervisor, evaluator, or mentor as outlined in the paragraph below (Disclosures) so that appropriate action, such as changing the reporting structure, can be taken.

Other relationships. Sexual and dating relationships in which there is a power differential, even when the differential does not fall into one of the above categories, may raise questions of sexual harassment or suspicions of unprofessional conduct (e.g. conflict of interest, abuse of authority, favoritism, and unfair treatment). For this reason, even relationships that are not officially supervisory or mentoring in nature may require extra sensitivity where such a power differential occurs. In particular, even though student-staff may not think of themselves as being in a position of authority over other students, by virtue of their responsibilities, they should recognize their experience, role in policy enforcement, or access to tools, equipment, and studio time may result in their being viewed as having more power in a relationship. Anyone concerned that issues described in this paragraph have developed (or may develop) in a relationship they are aware of or a part of is encouraged to seek guidance from the Title IX Coordinator or Deputy Coordinators.

Disclosures. All disclosures of existing relationships and reports of concerns should be made to the Title IX Coordinator or Deputy Coordinators. The Title IX Coordinators, at their discretion, may inform the appropriate supervisor and/or the Director of Human Resources (for matters involving staff and/or student-staff), the Vice President of Student Life and Dean of Students (for matters involving student-staff), or the Vice President of Academic Affairs (for matters involving faculty) about a disclosed relationship.

Disclosed relationships will be addressed outside of this policy on a case-by-case basis unless the report contains information which would support a violation of this policy.

## **Reporting Prohibited Conduct and Accessing Supportive Measures**

Any individual who believes they have experienced Prohibited Conduct has several options for addressing Prohibited Conduct, including reporting to the Title IX Coordinator, reporting to law enforcement, seeking confidential resources, or any combination of these. These options, as well as information regarding the

privacy of such reports and amnesty offered for violations of other policies, are outlined here. This section also details the supportive measures that are available to individuals who report Prohibited Conduct to the Title IX Coordinator, as well as the options for emergency removal and administrative leave.

A. Reporting to the Title IX Coordinator

The College encourages all individuals to report information about any type of Prohibited Conduct to the Title IX Coordinator. Reports may be made **online** using the Ringling **Reporting Form**. Reports may also be submitted to the Title IX Coordinator by email, mail, telephone, or in person using the contact information listed above, or by any other means that results in the Title IX Coordinator receiving a verbal or written report. Such a report may be made at any time, including during non-business hours. Individuals may choose to make an anonymous report, however if an individual wishes to remain anonymous, it may limit the College's ability to respond.

Faculty and staff (except for College Counseling staff and the Campus Chaplain since they are confidential resources) **are required** to report information to a Title IX Coordinator about any type of Prohibited Conduct. Such mandatory reports cannot be anonymous and must include the name of the employee filing the report, as well as all known information relating to the report. Additionally, as required by Florida law, upon notification of known or suspected sexual abuse, abandonment or neglect of a child under age 18, employees, students and volunteers must report as described in the Ringling College of Art and Design *Child Protection Policy*. This policy can be found in the student and employee handbooks.

Reports may also be made 24 hours a day, 7 days a week by calling Public Safety (941-359- 7500). A complainant or third party can request a campus safety officer to respond and take a report.

The College's goal is that all students report all incidents of Prohibited Conduct so that those affected can receive the support and resources needed. To encourage reporting, the College offers **amnesty**. This means that personal drug and alcohol use is exempt from disciplinary action in situations where Prohibited Conduct also occurs. However, the College may require educational programs about the use of alcohol or drugs and their impact.

Complainants may choose to put respondents "on notice" that their behavior was unwelcome, but doing so is not a prerequisite to initiating a report or Formal Complaint.

Upon receipt of a report, the Title IX Coordinator will provide the complainant with a copy of or link to this Policy, offer an opportunity to discuss supportive measures, and provide information to the complainant of their rights as follows:

1. The right to contact or decline to contact law enforcement to pursue criminal charges, which may be done concurrently with, before, or after filing a Formal Complaint under this Policy. More information on law enforcement is below.
2. The right to access supportive measures under this Policy, regardless of whether the complainant chooses to file a Formal Complaint or report to law enforcement.
3. The right to file a civil action against the respondent, such as to request a protective order.
4. The right to file a complaint with the U.S. Department of Education, the U.S. Equal Employment Opportunity Commission, and other relevant legal authorities as may be applicable under the circumstances.
5. With regard to reports alleging sexual assault, dating violence, domestic violence, or stalking:
  - a. The right to receive information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for those who have experienced these types of Prohibited Conduct, including resources within the College and in the community;
  - b. The right to receive information about options for, available assistance in, and how to request changes to academic, living, transportation, working situations, and other supportive measures;
  - c. The right to receive information about the procedures used to address reports and Formal Complaints as explained by this Policy, including disciplinary procedures.

The Colleges' response to reports may be limited if the respondent is no longer on campus or

is unknown. Nevertheless, resources and assistance may still be available and the complainant is encouraged to report the Prohibited Conduct to explore those options.

#### B. Reporting to Law Enforcement

When Prohibited Conduct may also constitute criminal conduct, individuals may file a report with the Sarasota Police Department or other law enforcement agency with jurisdiction, depending on the location of the incident.

If a complainant wishes to file a report with the Sarasota Police Department, a Ringling College staff member is available to assist. The College will not file a police report about the incident on the complainant's behalf unless compelling circumstances, as outlined in the statement of privacy and confidentiality section, exist. The College's response to a report is not impacted by the complainant's decision to file a criminal complaint or the outcome of the criminal investigation.

Notifying the Sarasota Police Department will generally result in the complainant and, in some cases the respondent, being contacted by a police officer. The police department determines if a criminal investigation will occur and if the case will be referred for prosecution.

Under Florida state law, sexual misconduct may constitute a criminal act. However, the College conducts investigations and hearings and renders sanctions in an educational, non-criminal context. An act not criminally prosecuted may still violate College policy. Because the goals and objectives of the Policy differ from those of the civil and criminal justice systems, proceedings under the Policy are independent of civil and criminal processes and may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. On-campus adjudication does not preclude, limit or require a student's or employee's access to the state and federal justice system. A case not referred for criminal prosecution will still receive a College response.

To the extent permitted or required by law, the College will cooperate with law enforcement investigations. However, outside law enforcement agencies do not respond to Title IX violations, and respond only to allegations of criminal behavior. As a result, the College encourages reporting Prohibited Conduct to both the College and to local law enforcement, if the alleged sexual misconduct may also be a crime.

For those reporting to law enforcement, the Sarasota County Sheriff's Office Victim Assistant Unit may be a helpful resource. The Unit may be contacted at (941) 861-4942 or [victimassistance@scgov.net](mailto:victimassistance@scgov.net). The Sarasota County Sheriff's Office Victim Assistance Unit provides services to any victim of any crime, including secondary victims and witnesses to crime. In addition, they provide short-term crisis support for persons experiencing traumatic situations that are not crime related (such as suicides). Services include crisis intervention, accompaniment through medical, legal, and judicial appointments related to the victimization, assistance with filing Injunctions for Protection (restraining orders), assistance in applying for Crime Victim Compensation where applicable, practical assistance, exploration of options, and community information and referral.

#### C. Privacy and Confidentiality

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

Privacy means that the information will be shared only with other individuals who have a "need to know" such information to implement this Policy, including to provide supportive measures. The College shall protect the privacy of individuals involved in a report of Prohibit Conduct to the extent allows by law and College Policy. The College is committed to protecting the privacy of all individuals involved in a report of Prohibited Conduct, and will balance individual privacy with its obligation to conduct a thorough review of allegations to protect the parties and the broader community and maintain an environment free from Prohibited Conduct.

The College will respect, to the greatest extent possible, the privacy of individuals who choose to report to non-confidential employees of the College, including the Title IX Coordinator and Deputy Title IX Coordinator. Except for the confidential resources identified in this policy, all other College staff and

faculty who receive a report of Prohibited Conduct are required to report information regarding Prohibited Conduct to the Title IX Coordinator or the Deputy Title IX Coordinator for response. Under Florida law, the College is also mandated to report any abuse of a minor (under the age of 18) to the Florida Abuse Hotline at 1-(800) 962-2873.

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

Faculty, staff and students wishing to obtain confidential assistance without making a report to the College may do so by speaking with a confidential resource listed below. When an individual seeks medical treatment for sexual assault, medical personnel are required to report to the police, but such individuals are not required to file formal charges unless desired.

Where the College has received a report of Prohibited Conduct but the complainant requests that he or she remain unidentified, and/or requests that the College not pursue an investigation, the College must balance this request with its responsibility to provide a safe and non-discriminatory environment for all members of the community. The College is required to take all reasonable steps to respond to a report, but its ability to do so may be limited by the complainant's request. However, under compelling circumstances - including evidence of a pattern of repetitive behavior, the use of force or threat of force, or the use of a weapon by the respondent - the College may pursue additional information regarding the report, file a Formal Complaint, or take other appropriate measures without the complainant's consent. If the College is unable to take action consistent with the wishes of the complainant, the Title IX Coordinator will inform the complainant about the chosen course of action.

If a report of misconduct poses an immediate threat to the community when timely notice must be given to protect the health or safety of the community, the College may not be able to maintain the same level of privacy. Immediate threatening circumstances include, but are not limited to, reported incidents of misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to the community.

All actions to address reports of Prohibited Conduct (including Formal Complaints, if filed) are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, the Violence Against Women Act (VAWA) and College policy. The College will take great care with confidentiality of the victim including publicly available record-keeping (i.e. Clery Reporting) that excludes personally-identifiable information on the victims to the extent permissible by law. No information shall be released from these proceedings except as required or permitted by law and College policy.

#### D. Confidential Resources

Individuals may seek confidential resources, in addition to or instead of making reports to the College and/or law enforcement. Such confidential resources may be helpful in assisting an individual in determining whether and how to make such reports. Examples of available confidential resources include:

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

Peterson Counseling Center (confidential)  
Office Location: Health Center  
(941) 893-2855

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

(941) 309-4000

### **Other Resources**

Employee Assistance Program  
(877) 240-6863

SPARCC (Safe Place and Rape Crisis Center)  
2139 Main Street  
Sarasota, Florida 34237  
(941) 365-0208

You can also reach SPARCC through the Florida Coalition Against Domestic Violence Hotline  
1-800-500-1119.

HOPE Family Services  
[www.hopefamilyservice.org](http://www.hopefamilyservice.org)  
24 Hour Help-line: 941-755-6805  
Outreach Office: 941-747-8499

Manatee Glens Rape Crisis Services [www.manateeglens.org](http://www.manateeglens.org)  
Rape Crisis Hotline: 941-708-6059  
Main number: 941-782-4100

Legal Aid Manasota  
[Legalaidofmanasota.org](http://Legalaidofmanasota.org)  
Legal Hotline: (800) 625-2257

Florida Council Against Sexual Violence  
[Fcasv.org](http://Fcasv.org)  
Statewide Hotline: (888) 956-7273

#### **National Hotlines:**

- National Domestic Violence Hotline, 24-hours: (800) 799-SAFE (7233)
- National Teen and Young Adult Dating Abuse Hotline, 24-hours: (866) 331-9474
- National Suicide Prevention Lifeline, 24-hours: (800) 273-8255
- National Sexual Assault Hotline, 24-hours: (800) 656-HOPE (4673)
- Trans Lifeline, 10:00-4:00: (877) 565-8860
- Crisis Text Line: text HOME to 741741

Medical Attention: Individuals who experience sexual assault should consider seeking medical attention through a local hospital or health care provider to address injuries, test for sexually transmitted infections, discuss emergency contraception options, and to preserve evidence in case the individual should choose to file formal criminal charges through law enforcement. The individual should not wash, shower, urinate, defecate, change clothes or douche prior to such medical assistance, even though that may be the immediate reaction, so as to best preserve evidence. Medical providers are required to report sexual assaults to police, and any information reported to any police official is public information and is available to the local media. It is, however, the general practice of journalists not to release names of victims of sex offenses. Sarasota Memorial Hospital provides Sexual Assault Nurse Examinations through its Emergency Department to provide specialized care and services to individuals who have experienced sexual assault.

#### **E. Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the

College's educational environment, or to deter Prohibited Conduct.

Supportive measures may include counseling, extensions of deadline or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

After a report is received, the Title IX Coordinator will offer to confer with the complainant about supportive measures. All individuals are required to report instances of another individual's failure to abide by any restrictions imposed by supportive measures, such as the violation of a mutual no-contact order. The College will take appropriate action to enforce a previously implemented interim measure, which may include a warning to the party or discipline.

Either party may access counseling services through the Peterson Counseling Center as part of Health Services or Employee Assistance Program, or through a referral to off campus agencies. Information regarding these and other confidential resources is listed above.

**F. Emergency Removal and Administrative Leave**

If, after receipt of a report or Formal Complaint and an individualized safety and risk assessment, the College determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of prohibited conduct justifies removal of a respondent, the College may remove the respondent on an emergency basis. Threats must pose more than a generalized, hypothetical, or speculative risk to health and safety for emergency removal to be appropriate. The College will take steps to continue providing the removed respondent as much access to their educational activities as possible when the individual facts and circumstances of the removal are considered.

When a respondent is removed from campus through emergency removal, the Title IX Coordinator shall provide the respondent with written notice of the individual who will hear any challenge of the removal. The respondent may file a written challenge with such individual in writing within two (2) business days of the removal, and the challenge must include supporting documentation or evidence that the respondent does not pose, or no longer poses, an immediate threat to physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct. The individual hearing the challenge shall be trained, impartial, and unbiased, and shall render their written decision to the respondent and Title IX Coordinator within two (2) business days of receipt of the challenge.

This section does not preclude the College from placing a non-student employee respondent on administrative leave during the pendency of a Formal Complaint. Administrative leave is not subject to the challenge procedures applicable to emergency removals.

**I. Grievance Process**

**A. Formal Complaint**

A Formal Complaint is a document filed in writing by a Complainant, or signed by the Title IX Coordinator, that alleges Prohibited Conduct against a Respondent and requests that the College officially investigate and resolve the allegation. The Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, by in-person delivery, or through the online reporting form and must contain the Complainant's physical or digital signature.

In addition to the Complainant, a Title IX Coordinator can file a Formal Complaint. In the instances when the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party during a Formal Resolution, and must comply with requirements for any person involved in the response and/or resolution to be free from conflicts and bias. Exercising their discretion to file a Formal Complaint is not automatically an indication of a conflict or bias, and the Title IX Coordinator may still coordinate the case.

The Title IX Coordinator may dismiss a Formal Complaint if a Respondent is no longer participating

in or attempting to participate in the College's education or program activity, the Complainant submits a written request to withdraw the complaint, or specific circumstances prevent the College from gathering evidence sufficient to reach a determination. Such a dismissal does not preclude the College from taking action under another college policy. No matter the reason for the dismissal of a complaint, the parties will be notified simultaneously in writing of the decision to dismiss, including the reasoning.

The College will not restrict the ability of any party to discuss the allegations under investigation or to gather and present relevant evidence, exception where such discussions constitute Prohibited Conduct (for example, because they constitute retaliation as defined by this Policy).

**B. Title IX Coordinator's Initial Assessment of the Formal Complaint.**

When a Formal Complaint is filed, the Title IX Coordinator will conduct an initial assessment to determine whether it alleges Prohibited Conduct under this Policy. If it does not, the Coordinator may dismiss the Formal Complaint and, if appropriate, refer it to another College procedure.

A Formal Complaint may be resolved through either an Informal Resolution or a Formal Resolution. Informal Resolution for Prohibited Conduct may only be offered after a Formal Complaint has been filed, so that the parties understand what the Formal Resolution entails and can decide whether to voluntarily attempt informal resolution as an alternative. The Informal Resolution process is outlined in Section IV.

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances. The same facts and circumstances means that the multiple Complainants' allegations are so intertwined that their allegations directly relate to all parties. Where multiple complainants or respondents are involved in the same investigation, the parties will only be provided with the appropriate portion(s) of the investigative documents that relate to the complaint(s) in which they are a party.

**C. Investigation**

The parties will receive written notice that a formal investigation has been initiated. The notice of investigation will include:

- the identities of the parties involved;
- the specific section/s of the policy allegedly violated;
- the precise conduct alleged to constitute the potential violation/s;
- the approximate date, time, and location of the alleged incident;
- a statement indicating that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
- a statement that the determination of responsibility will be made at the conclusion of a Formal Resolution;
- a notice that parties have the right to an advisor of their choice, who may be an attorney;
- the result of an initial assessment to determine whether the allegations suggest a potential violation of Sexual Harassment – Title IX with an indication that this decision will be reviewed again when the investigators prepare their report;
- the name of the investigators and the ability to challenge their participation for conflict of interest or actual bias;
- the appropriate policy language prohibiting a party from knowingly making false statements or knowingly submitting false information; and
- a notice that Retaliation is prohibited.

The notice shall be provided reasonably in advance of any interview with the investigators, with sufficient time for meaningful preparation. The Title IX Coordinator, in consultation with the investigators, may amend the charges as part of the investigative process. The Title IX Coordinator will, if appropriate, issue amended charges in writing to both parties.

Where a party is invited or expected to participate, the College will provide written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

A party's advisor is permitted to attend any meeting or proceeding relating to the Formal Complaint. The advisor's role is to provide support and assistance during the process but not to speak on behalf of their party, unless required as part of Hearing Resolution Process. If an advisor refuses to comply with these restrictions, or is disruptive to the process, the College may require the party to use a different advisor.

**1. Investigator roles and participants' responsibilities.**

The Title IX Coordinator will designate a trained investigator to conduct an adequate, reliable, and impartial investigation. The investigator may be an employee or an external contractor. In complex situations, the Title IX Coordinator may engage additional trained investigators to assist in gathering the information for the primary investigator. If a party has concerns that an investigator has a conflict of interest or bias, the party should follow the process for addressing these concerns outlined in the notice of investigation. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not the parties.

The investigator will offer each party the opportunity to be interviewed. The parties will have an equal opportunity to present witnesses, including expert witnesses, and to submit evidence. The investigator will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as relevant, appropriate, and available. The parties may submit questions to be asked of parties and witnesses. The investigator will review submitted questions and, in their discretion, may choose which questions are necessary and appropriate to the investigation and conduct any follow-up, as they deem relevant.

**2. Use of treatment records with written permission of the parties.**

A person's medical, counseling/psychological, and similar treatment records are privileged and confidential documents that a party will not be required to disclose. Where a party provides their written permission to share medical, counseling/psychological, and similar treatment records as part of the investigation, only the portion of the records directly related to the allegations raised in the formal complaint will be included in the case file for review by the other party and for use in the investigative process.

**3. Use of Complainant's prior sexual history and prior conduct of the parties.**

Evidence related to the prior sexual history of the complainant is generally not relevant to the determination of a policy violation and will only be considered in very limited circumstances, for example, to prove that someone other than the respondent committed the alleged conduct.

Where the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship. However, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion.

Information regarding other acts by a party will be permitted as relevant where the nature and means of those other acts may affect credibility of the assertions in the current case. It is not required that the party have been found responsible for policy violations related to those other acts for them to be included in the current case.

Any party seeking to introduce information about prior sexual history or other acts by a

party should bring this information to the attention of the investigators at the earliest opportunity. While the investigators may explore relevant areas of inquiry, the Title IX Coordinator has the discretion to make the final determination whether evidence of prior sexual history or other misconduct is relevant and should be included in the report.

**4. Anticipated timeframe for completing investigation and process for requesting extension of time.**

The College will seek to complete the investigation in a reasonable timeframe from the notice of investigation, typically within sixty (60) business days. This time frame may be extended for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may be based on delays occasioned by the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other circumstances, all of which will likely extend the length of time it takes to complete the investigation. The Title IX Coordinator will provide regular updates to all parties regarding the progress of the investigation.

**5. Parties' review of evidence collected during investigation**

The evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available to the parties and their advisors for review and inspection, including the evidence upon which the College may not rely in reaching a determination regarding responsibility, as well as inculpatory or exculpatory evidence. The parties will have 10 calendar days to review the evidence. The parties will be offered the opportunity to review the evidence and provide a written response that will be submitted to the investigator for consideration in their completion of the Investigation Report.

Due to the privacy of all those involved, evidence shared in an electronic format will not be printable, downloadable or electronically shareable by the parties or their advisors. Exceptions may be made in compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. To protect the integrity of the process and the privacy of the parties, parties and advisors are prohibited from sharing evidence made available to them through this process. Individuals who share evidence in violation of this prohibition may be subject to discipline or, if advisors, to removal from participation in the process.

**6. Investigators will complete an investigative report.**

Once the parties have reviewed the evidence and have submitted responses, or the time period to submit such responses has passed, the investigators will complete any follow up they deem necessary, and write the investigation report. The investigation report will include, but is not limited to, the following sections:

- overview of the complaint made and summary of the investigative methodology;
- summary of relevant information gathered, including:
  - timeline of incident being investigated;
  - complainant's account of events;
  - respondent's account of events;
  - witness accounts;
  - evidence gathered;
- areas of agreement;
- areas of disagreement;
- assessment of whether or not the complaint meets one or more of the required elements of the definition of sexual harassment under Title IX, including rationale; and
- an appendix containing all of the collected evidence.

The investigation report will not include:

- Information about the complainant's sexual predisposition or prior sexual behavior, unless
  - The information is to prove that someone other than the respondent committed the alleged act of conduct; or
  - The information concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent
- Information that is protected by a legally recognized privilege unless the person holding such privilege has waived the privilege; and
- A party's medical, counseling/psychological, and similar treatment records unless the party (or, in the case of a minor, the party's parent/guardian) has given voluntary, written consent.

## 7. Dismissal from Hearing Procedure

The investigators will consider whether the conduct alleged, if demonstrated by a preponderance of the evidence, would constitute Sexual Harassment – Title IX within the Scope of the Policy in light of the evidence gathered during the investigation, and make a recommendation to the Title IX Coordinator regarding the same. If Sexual Harassment – Title IX is properly alleged, the investigators will further determine whether those allegations meet all three of the following jurisdictional requirements:

- The Formal Complaint was filed when the complainant was participating in or attempting to participate in the education program or activity of the College;
- The reported Sexual Harassment – Title IX occurred against a person in the United States; and
- The reported Sexual Harassment – Title IX occurred in the College's education program or activity.

The Title IX Coordinator will notify the parties, in writing, of the final assessment and whether or not the complaint will proceed to a hearing or be transitioned for adjudication under another College Policy. This decision may be appealed by either party. Instructions and grounds for the appeal will be shared by the Title IX Coordinator in the cover letter for the investigation report. Parties have 3 business days after receipt of the investigative report to submit in writing an appeal of the transition to another policy or the failure to transition to another policy, and the other party will be provided with 3 business days in which to respond to such appeal.

Cases that are eligible for hearing will continue using the Hearing Resolution Process outlined in this Policy. All other cases shall be handled as follows:

- Where the Respondent is a student, the investigative report shall be referred to the Office of Student Life, which will utilize the student disciplinary process for Non-Academic Conduct in the *Student Handbook* to adjudicate the case. Appeals shall be handled pursuant to that process.
- Where the Respondent is not a student, the matter shall be referred to the Human Rights Committee, which shall review the investigative report and make a determination based on the preponderance of the evidence as to whether Prohibited Conduct occurred. A designated member of the Human Rights Committee will prepare a report containing the Committee's findings and conclusions. Sanctions will be determined by an appropriate Vice President according to the list of potential sanctions in this Policy. The parties will receive copies of the report and notification of any sanctions that are issued. Appeals shall be handled as indicated in this Policy, except that an Appeals Panel consisting of three Vice Presidents selected by the Title IX Coordinator shall be used in lieu of a single Appeals Officer.

Where a case is not eligible for hearing but involves sexual assault, dating violence, domestic violence, or stalking allegations, the following procedural protections will be available to both parties through the Student Conduct or Human Rights Committee procedures outlined above:

- Continued access to informal resolution procedures until a determination is reached as to whether a Policy violation occurred;
- Continued access to supportive measures;
- Procedures are conducted by officials that receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability;
- Continued ability to bring an advisor of choice to any related meeting or proceeding;
- Both parties receive simultaneous written notice of the result of the disciplinary proceeding, the procedures for appeal, any changes to the result, and when such results become final.

## **8. Responses to Investigative Report**

The parties have 10 calendar days beginning at the conclusion of the 3-day appeal window, if no appeal is filed, or beginning at the receipt of the appeal decision if an appeal is filed, to submit their written response to the Investigation Report. The response may include an assertion that evidence not summarized in the report, but present in the case file, should be considered as relevant.

## **II. Hearing Resolution Process**

A Hearing Resolution will be used to resolve cases that include charges of Sexual Harassment – Title IX and meet the jurisdictional requirements listed in the section above regarding “Dismissal from the Hearing Process.” If such cases also include other charges, all the charges in that case will be handled at the same time through the Hearing Resolution process. A Hearing Resolution includes a pre-hearing conference, a live hearing, decisions about responsibility and sanctioning by the Decision-maker, and an optional appeal process.

A single Decision-maker will typically conduct the live hearing. The Title IX Coordinator chooses a trained, impartial decision-maker, who may be but is not required to be an employee. The Decision-maker cannot be the Title IX Coordinator or the investigator(s) who investigated the case.

The Hearing Resolution Process typically concludes in thirty business days from receipt of the parties’ responses to the investigative report. This time frame may be extended for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may be based on delays occasioned by the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other circumstances, all of which will likely extend the length of time it takes to complete the Hearing Resolution Process.

Each party must have an advisor at the hearing. If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the College’s choice, who may be, but is not required to be, an attorney, to conduct cross- examination on behalf of that party.

### **1. Pre-Hearing Conference**

Each party will have their own Pre-Hearing Conference. The Title IX Coordinator will communicate to the parties, their advisors, and the Decision-maker, the date, time, and format for their Pre- Hearing Conference. The Title IX Coordinator, the Decision-maker, and the advisor must be in attendance. While the parties are encouraged to attend, they are not required to do so.

During the Pre-Hearing Conference, the advisors must share with the Decision-maker their list of witnesses to appear at the hearing, the identity of any requested witnesses that were not questioned during the investigation, the request for any new evidence to be considered that was not submitted previously to the investigators, and the availability of the advisor and the party for hearing dates.

Evidence and witnesses may only be presented at the hearing if they were submitted to the

investigators and made available to the parties for review, unless they were unavailable at the time of the investigation or the relevance was unknown until the investigative report was submitted. The Decision-maker will address any requests at the Pre-Hearing Conference to present new evidence and new witnesses.

The advisor is strongly encouraged to discuss lines of questioning with the Decision-maker at the Pre-Hearing Conference to obtain guidance from the Decision-maker on relevancy prior to the hearing. The Decision-maker will discuss the expectations and guidelines for appropriate behavior and decorum during the hearing.

After reviewing each party's witness list, the Decision-maker may, in their discretion, add names of other witnesses contained in the report for the purpose of appearing at the hearing and submitting to cross examination.

After the conclusion of the Pre-Hearing Conferences, the Title IX Coordinator will provide each party and their advisor with written notice of the date, time, and manner for the hearing, which will typically occur no less than 5 business days after the conclusion of the final pre-hearing conference.

## **2. Live Hearing**

The live hearing may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. Regardless of format, the hearing will be recorded or transcribed, and the recording or transcript will be Ringling's property, and will be made available to the parties for review and inspection upon their request during the pendency of the process.

Those persons present during the entirety or at designated portions of the hearing include: Complainant; Complainant's advisor; Respondent; Respondent's advisor; Decision-maker; Title IX Coordinator; witnesses; other appropriate individuals at the discretion of the Title IX Coordinator (for example, an interpreter or someone needed to provide reasonable accommodations due to a disability).

The Decision-maker will provide an introduction detailing the purpose of the hearing, have those present identify themselves and their role, remind all parties of the expectation to be candid and honest in their response, and provide a brief overview of the procedure and the anticipated order of the hearing.

All evidence subject to the parties' inspection and review during the investigation will be available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

The advisors will be responsible for orally asking relevant questions, including those questions which challenge credibility, to the other party or parties and any witnesses directly, in real-time and in a manner that, in the Decision-maker's sole discretion, is not inappropriate, harassing, intimidating, irrelevant, or redundant. Cross-examination will never be conducted by a party personally. Only relevant questions may be asked of a party or witness. Relevant questions are those tending to prove or disprove a fact at issue. The Decision-maker may ask questions and elicit information from parties and witnesses on the Decision-maker's own initiative to aid the Decision-maker in obtaining relevant evidence.

Questions that are not relevant include:

- Repetition of the same question;
- Questions related to information about the complainant's sexual predisposition or prior sexual behavior, unless:
- The information is to prove that someone other than the respondent committed the alleged conduct; or

- The information concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent;
- Questions related to information that is protected by a legally recognized privilege; and
- Questions related to a party's medical, counseling/psychological, and similar treatment records unless the party has given voluntary, written consent.

The Decision-maker will objectively evaluate all evidence, including inculpatory and exculpatory evidence, to determine its relevance, materiality, weight and reliability. Credibility determinations will not be based on an individual's status as a complainant, respondent, or witness. Before a party or witness answers a question by an advisor, the Decision-maker will first determine whether the question is relevant and briefly explain any decision to exclude a question as not relevant, or request rephrasing of the question. The Decision-maker is not required to give a lengthy or complicated explanation of a relevancy determination during the hearing. The Decision-maker may later send to the parties any revisions to the explanation of relevance that was provided during the hearing.

If a party or witness does not submit to cross-examination at the live hearing, the Decision-maker may still consider their statements and will determine the weight to which those statements may be entitled. The Decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

### 3. **The Decision-maker will issue a written determination of responsibility.**

After the hearing, the Decision-maker will issue a written determination of responsibility. This determination will be provided within twenty-one (21) calendar days of the hearing, unless an extension is required for good cause. The determination of responsibility will be based on a preponderance of the evidence and will include:

- Identification of the allegations potentially constituting sexual harassment
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Ringling imposes on the Respondent, and whether remedies will be provided by Ringling to the Complainant, and;
- Ringling's procedures and permissible bases for the Complainant and Respondent to appeal.

The determination will lay out the evidentiary basis for conclusions reached in the case. The determination will be provided to the parties simultaneously. The determination becomes final only after the time period for appeal has expired or, if a party does file an appeal, after the appeal decision has been sent to the parties.

If an appeal is filed, the determination becomes final on the date that the College provides the parties with the written determination of the result of the appeal. If an appeal is not filed, the determination becomes final on the date on which an appeal would no longer be considered timely. The Title IX Coordinator may determine whether it is appropriate to stay the sanctions pending the determination becoming final, taking into account the safety of the complainant and the campus community, the severity of the behavior, and the effect on the College's ability to address the behavior if the sanctions are stayed.

## III. **Appeals**

Complainants and Respondents may appeal the Decision-maker's determination regarding responsibility, or Ringling's dismissal of a Formal Complaint or any allegations therein to the Title IX Coordinator who will initiate the appeal process. Ringling will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The Appeal

Officer, who is the decision-maker for the appeal, will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties:

Grounds for appeal include:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and;
- The Title IX Coordinator, investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

All grounds for appeal will be available to all parties.

The Title IX Coordinator shall appoint a trained, impartial Appeals Officer, who shall be a Vice President of the College or shall be external to the College, depending on availability and circumstances.

When the typical or alternate Appeal Officer is unable to serve, or is not otherwise designated in this policy, the Title IX Coordinator will select a trained individual to be the Appeal Officer with notice to the parties. The Appeal Officer cannot be the same person as the Decision-maker for the hearing, the investigator, or the Title IX Coordinator.

The Appeal Officer must be a neutral and impartial decision-maker. The parties will be informed, in writing, of the specific Appeals Officer. Within 1 business day of receiving the notice of the designated Appeals Officer, the complainant and the respondent may submit a written request to the Title IX Coordinator to replace the named Appeals Officer if there are reasonable articulable grounds to establish bias, conflict of interest or an inability to be fair and impartial.

The designated Appeals Officer will only be replaced if the Title IX Coordinator determines their bias precludes impartiality or constitutes conflict. Additionally, an Appeals Officer who has reason to believe they cannot make an objective determination must recuse themselves from the process.

A complainant or respondent must submit a written appeal to the Title IX Coordinator and within 5 business days of receipt of the Notice of Outcome. The written appeal must include the specific basis for the appeal and any information or argument in support of the appeal. Upon receipt of the appeal, the Title IX Coordinator will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted to the Title IX Coordinator within 3 business days from the other party's receipt of the appeal. Appeal responses are shared with the other parties but no reply is permitted.

The Appeals Officer will make a decision regarding the written appeal and, within 10 business days of receipt of all appeal documents, notify the complainant and the respondent of the outcome. The Appeal Officer may affirm the finding(s); alter the finding(s); alter the sanctions; or request that additional steps be taken.

Appeal decisions are final. All appeal deadlines may be extended for good cause by the Title IX Coordinator. Any extension will be communicated to the parties.

#### **IV. Informal Resolution Process**

Informal resolution permits the parties to seek resolution of Formal Complaints of Prohibited Conduct. Ringling does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to an investigation and adjudication of Prohibited Conduct under Ringling's grievance process. Similarly, Ringling will never require the parties in a Prohibited Conduct allegation to participate in an informal resolution process, as described below. The Title IX Coordinator has discretion as to whether Informal Resolution is appropriate in any particular case, except that Informal Resolution may not be used in cases in which a student

alleges Sexual Harassment – Title IX against an employee of the College.

After the report of Prohibited Conduct or after the filing of a Formal Complaint of Title IX Sexual Harassment, if the Title IX Coordinator determines Informal Resolution is appropriate and all parties voluntarily consent in writing, Ringling will assist the parties in an informal resolution process. An informal resolution process can be held at any time prior to reaching a determination regarding responsibility in the grievance process.

Before initiating an informal resolution, Ringling will: (1) provide the parties a written notice; and (2) obtain the parties' voluntary, written consent to the informal resolution process. The written notice that Ringling will provide to the parties will disclose the allegations, the requirements of the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Ringling's informal resolution process enables that, at any time prior to agreeing to a resolution, any party has a right to withdraw from the informal resolution process and resume the grievance process with respect to the report or Formal Complaint. The Title IX Coordinator will appoint a trained, impartial informal resolution officer to facilitate the informal resolution process.

Upon initiation of the informal process as described above, the informal resolution officer will attempt to resolve the dispute through meetings with the parties. Although an in-person or a restorative justice conference may be suggested, parties will never be required to meet directly with one another as part of the informal resolution process unless they mutually agree to do so.

When sexual harassment allegations can be resolved through alternate resolution by mutual consent of the parties and on a basis that is acceptable to the informal resolution facilitator in consultation with the Title IX Coordinator, the resolution process shall be considered finally decided and there will be no subsequent process or appeal.

#### **V. Sanctions and Remedies**

Where a respondent is determined to have engaged in Prohibited Conduct, the Decision-maker shall determine appropriate sanctions, in consultation with an appropriate administrator based on the status of the respondent (student, employee, or other). The Title IX Coordinator will determine an appropriate administrator for consultation based on the circumstances. Students determined to have engaged in Prohibited Conduct are subject to disciplinary action in accordance with the provisions of the *Code of Conduct* as contained in the Ringling College of Art and Design *Student Handbook*, whether or not formal criminal charges are filed by the victim.

A student found in violation of this Policy may be sanctioned with the following, or any combination thereof: disciplinary warning, reprimand, educational interventions, assessment by the counseling staff, community restitution, denial of privileges, work projects, restitution, fines, disciplinary probation, final disciplinary probation, behavioral agreement, no contact orders, suspension, expulsion, termination of employment, and other restrictions as to access and use of College facilities, property, or activities.

Employees determined to have engaged in Prohibited Conduct are subject to disciplinary action. Such employees may be sanctioned with the following, or any combination thereof: a warning, reprimand, educational interventions, counseling, no contact orders, probation, suspension, transfer, demotion or immediate termination of an employee in accordance with the policies and procedures outlined in the Faculty or Staff *Handbook*, as well as other restrictions as to access and use of College facilities, property, or activities.

Respondents who are neither students nor employees are also subject to sanction, including but not limited to the following, depending on the amount of control exercised by the College over the Respondent: warning, reprimand, educational interventions, restitution, no contact orders, termination of contract(s), prohibition (temporary or permanently) against future admission and/or employment; and restrictions as to access and use of College facilities, property, or activities.

Ringling will provide remedies to a Complainant designed to restore or preserve equal access to Ringling's education program or activity. Such remedies may include the same individualized services provided as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent where the Respondent has been found to have engaged in Prohibited Conduct.

The Title IX Coordinator is responsible for effective implementation of remedies. Where the final determination has indicated that remedies will be provided, the Complainant can then communicate separately with the Title IX Coordinator or their designee to discuss what remedies are appropriately designed to preserve or restore the Complainant's equal access to education. Remedies for a Complainant which do not affect the Respondent must not be disclosed to the Respondent.

## Training

The College will ensure the Title IX Coordinators, investigator(s), decision-makers, appeals officers, and any person who facilitates an informal resolution process receive training on the definition of Sexual Harassment – Title IX, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Additionally, these individuals must receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The College will ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

The College will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, appeals officers, and any person who facilitates an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Training materials shall be posted on the College's website in compliance with the Title IX regulations.

## Maintenance of Records

The College shall maintain all records and documentation for each case for seven (7) years from the date a report is received. With regard to Records of Sexual Harassment – Title IX, the records will include:

- Each investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, decision-makers, appeals officers, and any person who facilitates an informal resolution process;
- Documentation of any supportive measures taken in response to a report or formal complaint of Sexual Harassment – Title IX, including documentation regarding the basis for any conclusion that the College's response was not deliberately indifferent;
- Documentation of why a complainant alleging Sexual Harassment – Title IX was not provided with supportive measures, including the reasons why such response was not clearly unreasonable in light of the known circumstances.

## Educational and Prevention Programs

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

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

Approved by President Larry R. Thompson, August 14, 2020

Updated Title IX Coordinator, June 1, 2021

Revisions approved by President Larry R. Thompson, August 16, 2022

Revision approved by Board of Trustees April 20, 2023

## Non-Harassment Policy

(effective September 1, 2023)

Ringling College of Art and Design strives to maintain a professional work and academic environment in which all employees and students are treated with respect and dignity. A vital element of this atmosphere is the College's commitment to equal opportunities and the eradication of discriminatory practices including harassment, with the goal to provide an academic and institutional climate of non-harassment. Forms of harassment that are encompassed by this policy include harassment based on sex, age, gender, color, race, national or ethnic origin, religion, marital status, sexual orientation, gender identity or expression, pregnancy, disability, veteran status, genetic information, or any other basis prohibited by law ("Protected Traits").

Harassment on the basis of a Protected Trait is specifically prohibited by state and federal law and instances of harassment may result in both civil and criminal liability on the part of the individual harasser as well as the College. Harassment's destructive impact wastes human potential, demoralizes employees and students, and perpetuates the tendency for further unacceptable behavior. For these reasons, the College is opposed to harassment in any form in its workplace and activities. This policy establishes procedures to address problems and questions regarding harassment in a prompt, discreet and fair manner. All employees and students are expected to comply and cooperate with its provisions and in accordance with the code of professional ethics.

Harassment: For purposes of this policy, Harassment is defined as conduct on the basis of a Protected Trait when:

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

Sexual Harassment: Due to the inherent complexity of sexual harassment and harassment on the basis of sex, gender, or sexual orientation, the College maintains a Sexual Misconduct and Title IX Policy to address reports and formal complaints of sexual harassment, including sexual assault, dating violence, domestic violence, and stalking. All complaints regarding Prohibited Conduct under the Sexual Misconduct and Title IX

Policy, including sexual harassment and harassment on the basis of sex, gender, or sexual orientation, will be handled pursuant to that Policy. Individuals who have experienced this type of conduct are encouraged to contact a Title IX Coordinator for more information about supportive measures, available resources, reporting to law enforcement if desired, and the formal complaint process for investigating and adjudicating sexual harassment and harassment on the basis of sex, gender, or sexual orientation:

Title IX Coordinator:

Tracy Wagner – Executive Vice President  
Office location: Keating Center, First Floor  
2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7595 [twagner@ringling.edu](mailto:twagner@ringling.edu)

Deputy Title IX Coordinators (Students):

Dr. Tammy S. Walsh – Vice President for Student Life and Dean of Students  
Office location: Ulla Searing Student Center, Second Floor  
2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7510 [twalsh@ringling.edu](mailto:twalsh@ringling.edu)

Jekeyma Robinson – Associate Dean of Students for Student Development

Office location: Ulla Searing Student Center, Second Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 309-4375 [jrobinso@ringling.edu](mailto:jrobinso@ringling.edu)

Deputy Title IX Coordinator (Faculty and Staff):

Darren Mathews, Assistant Vice President and Director of Human Resources  
Office location: Verman Kimbrough Bldg, First Floor  
2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7619 [dmathews@ringling.edu](mailto:dmathews@ringling.edu)

Relationships: Within this section, the following terms and definitions apply:

1. Affiliated Individuals. Employees, trustees, and vendors.
2. Employee. Faculty member (full-time, part-time, or adjunct; regular or visiting) or staff member (exempt or non-exempt; full-time or part-time; regular, casual, or temporary).
3. Trustees. Member or Honorary Life Member of the Board of Trustees.
4. Vendors. Organizations or individuals engaged in a contractual relationship with the College to execute a specific function such as food service, custodial service, other services or to provide temporary staffing services.
5. Student-staff. Undergraduate students enrolled in the College who are employed by the College, (e.g. resident assistant, teaching assistant, tutors).

For the purposes of this section of the policy, a “relationship” is defined as a single romantic date or sexual encounter.

Relationships between Affiliated Individuals and Students. All affiliated individuals are prohibited from initiating, engaging in, or attempting to engage in, sexual or dating relationships with any PreCollege or degree-seeking student. An affiliated individual involved in a sexual or dating relationship with a student which began prior to their engagement with the College or implementation of this policy is exempt from this prohibition, as is an employee whose spouse or domestic partner is a student. However, the relationship must be disclosed as outlined in the paragraph below (Disclosures) so that appropriate action, such as changing the reporting or grading structure, can be taken.

Relationships between Individuals in a Supervisory Relationship. All affiliated individuals and student-staff are prohibited from engaging in sexual or dating relationships with anyone under their direct supervision or whom they officially evaluate or mentor. They are further prohibited from officially supervising, evaluating, or mentoring anyone with whom they have had a relationship in the past, regardless of the consensual nature of

the relationship. If such a relationship develops or exists, the relationship may be disclosed by anyone, but must be disclosed by the supervisor, evaluator, or mentor as outlined in the paragraph below (Disclosures) so that appropriate action, such as changing the reporting structure, can be taken.

Other relationships. Sexual and dating relationships in which there is a power differential, even when the differential does not fall into one of the above categories, may raise questions of sexual harassment or suspicions of unprofessional conduct (e.g. conflict of interest, abuse of authority, favoritism, and unfair treatment). For this reason, even relationships that are not officially supervisory or mentoring in nature may require extra sensitivity where such a power differential occurs. In particular, even though student-staff may not think of themselves as being in a position of authority over other students, by virtue of their responsibilities, they should recognize their experience, role in policy enforcement, or access to tools, equipment, and studio time may result in their being viewed as having more power in a relationship. Anyone concerned that issues described in this paragraph have developed (or may develop) in a relationship they are aware of or a part of is encouraged to seek guidance from the Title IX Coordinator or Deputy Coordinators.

Disclosures. All disclosures of existing relationships and reports of concerns should be made to the Title IX Coordinator or Deputy Coordinators. The Title IX Coordinators, at their discretion, may inform the appropriate supervisor and/or the Director of Human Resources (for matters involving staff and/or student-staff), the Vice President of Student Life and Dean of Students (for matters involving student-staff), or the Vice President of Academic Affairs (for matters involving faculty) about a disclosed relationship.

Disclosed relationships will be addressed outside of this policy on a case-by-case basis unless the report contains information which would support a violation of this policy.

The Human Rights Committee: The Human Rights Committee is a fact-finding committee whose purpose is to respond to and resolve harassment complaints, except as otherwise indicated in the Sexual Misconduct Policy. The Committee is a standing committee appointed by the President and comprised of three faculty members, two staff members, and two students. The student members of the Committee will participate only in those cases where other students are involved. The Director of Human Resources will serve as coordinator without vote. If the complaint should be against the Director of Human Resources, one of the committee members is to serve as the coordinator, with vote. If all members of the Human Rights Committee must be recused due to concerns about bias and/or impartiality, the Director of Human Resources or designee may appoint an external individual to perform the duties of the Committee.

Student to Student Harassment: Student-to-Student harassment complaints are to be processed under the disciplinary procedure established and operated by the Office of Student Life, except as otherwise indicated in the Sexual Misconduct Policy. All other harassment complaints are to be processed by the procedures outlined in this policy.

"On Notice" Option of Complaint: Individuals who feel they have been harassed may choose to put the offender "on notice" that the offender's behavior is unwelcome. Often this direct communication by the individual brings a stop to the harassment, and no further action is necessary.

Use of the "on notice" option is not a prerequisite to initiating the complaint procedures set forth in this policy, and the College will not refuse to investigate a complaint on the grounds that the complainant did not have a discussion with the offender.

In other words, the complainant always retains the right to avoid direct interaction with the offender and to initiate the complaint procedure explained in this policy.

Procedures for Informal Complaint: Individuals who believe they have experienced harassment that does not fall under the Sexual Misconduct Policy may seek an informal resolution of the problem. Use of the informal complaint procedures is not a prerequisite to initiating a formal complaint.

Informal complaints may be oral or written and directed to the Director of Human Resources or to any member of the Human Rights Committee. Informal resolution will generally involve the Director of Human Resources or the Human Rights Committee serving as facilitator in an effort to resolve the complaint. The respondent will be informed of the existence and nature of the informal complaint and will have an

opportunity to respond. The Human Rights Committee or the Director of Human Resources, serving as intermediaries, will seek a resolution that both the complainant and the respondent can agree upon. If no mutually satisfactory resolution can be found, the Human Rights Committee, the Director of Human Resources, and/or the complainant can decide if further action is appropriate.

Procedures for a Formal Complaint: Harassment complaints that do not fall under the Sexual Misconduct and Title IX Policy are to be directed to the Director of Human Resources or to a member of the Human Rights Committee. The Director of Human Resources or the contact person on the Committee will prepare a written record of the individual's factual allegations which the complainant will then have the opportunity to review before signing. Although complaints should be brought as soon as possible, preferably within six months after an offensive incident, the College recognizes that the sensitivity involved in certain situations may cause individuals to delay taking action.

Once the initial complaint is prepared, the Director of Human Resources or the contact person on the Committee shall convene the entire Human Rights Committee to review the complaint, and to conduct an appropriate investigation of the allegations. This investigation may be limited to informal resolution and a negotiated agreement between the complainant and the respondent, which requires the approval of the Director of Human Resources or a designee. If an informal resolution is not achieved, a designated member of the Human Rights Committee will prepare a report based on the evidence collected containing the Committee's findings and conclusions.

Possible outcomes of the investigation are that the allegations are substantiated, or that allegations are not substantiated. A preponderance of the evidence standard is used to determine whether allegations are substantiated. In the event the allegations are substantiated, the Director of Human Resources or the Human Rights Committee may endeavor, through informal resolution, to reach a negotiated agreement of the sanctions and/or remedies to be imposed; any such sanctions or remedies must be approved by the Director of Human Resources or designee.

If a negotiated agreement cannot be reached, the Human Rights Committee will refer the matter to the College's Vice Presidents for resolution. The Vice Presidents will not reopen a completed investigation unless it can be shown that the investigating individuals made specific errors in reviewing the facts. The Vice Presidents will consider the findings and recommendations of the Human Rights Committee and, in consultation with the President, render a decision. Decisions will be made using the preponderance of evidence standard (i.e. it is more likely than not that the alleged conduct occurred).

Protection of Complainant and Others: All information regarding harassment allegations will be kept in confidence to the greatest extent practicable and appropriate under the circumstances. The College cannot guarantee that the identity of the complainant will be concealed from the respondent, but any retaliation committed by the respondent by way of irresponsible, malicious or unfounded complaints will be investigated. If an investigation reveals that the complainant falsely accused another of harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions and/or discipline.

In order to ensure that a complete investigation of harassment claims can be conducted it may be necessary for the College to disclose to others portions of the information provided by the complainant. The College will try to honor any complainant's request that the College not disclose certain information provided, consistent with the College's obligation to identify and correct instances of harassment.

Penalties: Every claim of harassment will be considered on its own merits. The College will take whatever corrective action and/or disciplinary measures it considers appropriate under the circumstances, including but not limited to counseling, reprimand, probation, suspension, transfer, demotion or immediate termination of an employee or student in accordance with the provisions, policies and procedures outlined in the appropriate Faculty, Staff or Student Handbook.

Approved by President Larry R. Thompson, August 14, 2020  
Approved by the Board of Trustees, November 12, 2020

Updated June 1, 2021

Revision approved by President Larry R. Thompson, August 12, 2022

Revision approved by Board of Trustees April 20, 2023

## Child Protection Policy

It is Ringling College of Art and Design's policy to take all appropriate steps to protect the health and welfare of the children who come to the Ringling College campus and of children with whom our employees, volunteers and students interact in other locations. Ringling College of Art and Design will comply with all applicable reporting laws.

Under Florida law, all faculty and staff are required to report suspected abuse, abandonment, or neglect of a child under age 18 by any individual, regardless of if the person is a parent, legal guardian, or unknown individual to include but not limited to a parent, legal custodian, caregiver or other person responsible for the child's welfare which includes a person who has permanent or temporary care or custody or responsibility for the supervision of such child (including any employee of the College) or any household or family member of the child. Additionally, faculty and staff are further required to report if a child is in need of supervision and care and has no parent, legal custodian, or other person responsible for the child's welfare.

Abuse, abandonment, or neglect includes:

1. Physical injury, whether visible or not, under circumstances that indicate that a child's health or welfare is harmed or at substantial risk of being harmed;
2. Mental injury, meaning the observable, identifiable and substantial impairment of a child's mental or psychological ability to function, under circumstances that indicate that a child's health or welfare is harmed or at substantial risk of being harmed;
3. The failure to provide essential care and attention to a child (e.g., leaving a child unattended), under circumstances that indicate that the child's health or welfare is harmed or there is a substantial risk of harm, or that there is mental injury to the child or a substantial risk of such injury; and
4. Any act that involved sexual molestation or exploitation of a child (e.g. any sexual contact or conduct with a child), regardless of whether physical injuries are present.

This policy applies to all faculty, staff, volunteers and students of Ringling College of Art and Design. Additional individuals or organizations doing business at or with the College may also be required to acknowledge and comply with provisions of this policy, as determined by the College. The policy applies to the Ringling College of Art and Design campus, all properties owned or leased by the College, and all off-campus sites at which students, faculty, staff and volunteers participate in college-sponsored activities.

Please also refer to the Ringling College of Art and Design *Sexual Misconduct and Title IX Policy*, which prohibits sexual misconduct and requires reporting of known or suspected incidents of sexual misconduct of any person, regardless of age. This policy can be found on the website and in the student and employee handbooks.

Ringling College sponsors a number of programs for children. The College requires that children in these programs be appropriately supervised by adults with the proper training and credentials, and subject to criminal background check clearances as required by Florida state law and the College. All program adults (paid staff or volunteers) must receive appropriate information in maintaining professional boundaries at all times when working with children in the program (See Appendix A below).

## Reporting Requirements

- A. Florida Law mandates the reporting of any suspected child abuse, abandonment or neglect. Anyone who has reason to believe that a child has been subjected to abuse, abandonment or neglect must immediately report to the Florida Department of Children and Families by one of the following methods: (1) call the Florida Abuse Hotline at 1-800-962-2873, (2) via fax at 800-914-0004, or (3) online at <https://reportabuse.dcf.state.fl.us> . Instructors and other personnel will be required to provide their names to the DCF hotline staff. All other reporters may remain anonymous, but a record that a report was made will be maintained by the College. If you see a child in immediate danger, call 911. Colleges

and Universities that “knowingly and willfully” fail to report suspected child abuse, abandonment or neglect or prevent another person from doing so now face fines of up to \$1 million for each incident, and the penalty has been increased from a misdemeanor to a felony. Individual employees face personal criminal liability as well. A person who is required to report known or suspected child abuse, abandonment or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a felony of the third degree. The personal criminal penalties include a fine of up to \$5,000 and up to 5 years imprisonment for each incident not reported.

- B. In addition to making the reports required by Florida law, any employee or student of Ringling College of Art and Design who has reason to believe that a child has been subjected to abuse, abandonment or neglect on the Ringling College campus, any properties owned or leased by the College, or during an event/function sponsored by the College must notify Public Safety (941-359-7500), the Title IX Coordinator, Director of Human Resources or the Vice President for Student Life as soon as possible. Public Safety, the Title IX Coordinator, Director of HR or the Vice President will immediately notify the President. Any employee or student who has reason to believe that a child has been subjected to neglect or abuse at any off-campus sites at which students, faculty, or staff participate in college-sponsored activities must immediately notify the director of the off-campus site and the Ringling College program director. The Ringling College director will notify the Title IX Coordinator as soon as possible.
- C. Any faculty or staff member who has reasonable cause to suspect that a child died as a result of child abuse, abandonment, or neglect must report his or her suspicion to the appropriate medical examiner.
- D. “Mandatory Reporters” in Florida are defined as: social workers, teachers and other school personnel, physicians and other health-care workers, mental health professionals, child care providers, medical examiners, coroners, and law enforcement officers.

## Confidentiality

All matters pertaining to a report of abuse, abandonment or neglect must be held in the strictest confidence. A person who knowingly and willfully makes public or discloses any confidential information commits a misdemeanor of the second degree, and may be punishable by Florida law.

## False Reporting

All good faith reporting of any instance of suspected child abuse, abandonment or neglect provides immunity and protection from adverse civil liability and/or employment discrimination. Under Florida law, a person who knowingly and willfully makes a false report of child abuse, abandonment, or neglect, or who advises another to make a false report, is guilty of a felony.

## Appendix A

### Guidelines for Those Working With or Around Children

Child abuse is a difficult and emotionally-charged subject. These guidelines are intended to provide information about your conduct in order to prevent abuse or unfounded allegations of abuse; and explain how to respond to abuse or suspicions of abuse.

#### Code of Conduct for Working with Minors

You have a duty to the children with whom you work, to the college and to yourself to prevent any abuse or improper behavior. You also have a duty to prevent unfounded accusations of abuse, by adhering to a proper code of conduct when working with minors.

- Never use any form of physical or emotional punishment to discipline children participating in the program
- Never engage in rough or sexually provocative games, including horseplay
- Do not allow children to sit on your lap
- Do not allow any inappropriate touching, including between children
- Be aware of the impact of your words and language on young children

- Do not swear, or use or respond to sexual innuendo, never make a sexually suggestive comment, even in fun
- Do not allow children to use inappropriate language unchallenged
- Be aware of situations in which actions can be misconstrued or manipulated by others (for example, being alone with the last child to leave a class); conduct all dealings with children in a public environment as much as possible, in order that all behavior can be readily observed
- Do not spend time alone with a child away from others; try to avoid being alone with a child, particularly in a restroom, changing area, or shower area (follow the “rule of three” and always make sure there is another person with you). Should you need to be alone with a minor in a changing or shower area, by no means should you be unclothed with a minor, and showering or bathing with minors. Even when you are not alone with one child, is never acceptable.
- Children should use a buddy system or otherwise be encouraged to stay together when going to the bathroom, on field trips or when leaving the classroom area
- Do not give any child a ride in a car or van unless you have express permission from the parents
- Do not appear to favor one child more than another, do not give gifts to any one child in a program, do not accept expensive gifts from any child in the program
- Be professional and maintain the highest standards of personal behavior at all times; do not drink alcohol or smoke when working with minors
- Do not tell children “this is just between us” or use similar language that encourages children to keep secrets from their parent/guardian

#### What if a Child Tells Me He or She is Being Abused?

- Stay calm; ensure that the child is safe and feels safe
- Assure the child that you are taking what he/she says seriously
- Be honest; explain you will have to tell someone else. Avoid making promises you cannot keep
- Make a note of what the child has said as soon as possible
- Do not confront the alleged abuser
- Do not investigate on your own
- Report the situation to the Title IX Coordinator, Dr. Tracy Wagner, Executive Vice President at 941-359-7595, or the Deputy Title IX Coordinators, Dr. Tammy Walsh, Vice President for Student Life and Dean of Students at 941-359-7510 or Darren Mathews, Director of Human Resources at 941-359-7619.

Revised October 8, 2014

Updated June 1, 2021

## Ringling College of Art and Design Intellectual Property Ownership Policy

### I. Introduction.

- A. **Purpose.** This document describes Ringling College of Art and Design’s policy governing the ownership of Intellectual Property and reflects the current and past practice of the College regarding the intellectual property of the faculty, staff, and students. This policy delineates the rights and responsibilities of Ringling College and those of its faculty, staff, students, and others who are involved in the creation of Intellectual Property so that the ownership status of Intellectual Property can be clearly determined and understood. Ringling College faculty and students, as members of a community of scholar practitioners, serve the educational mission of Ringling College through their engagement as working artists, designers, writers, and researchers. This policy affirms Ringling College’s commitment to the free and open creation and exchange of creative works and scholarly information and an equitable division of ownership rights.
- B. **Application.** This policy applies to all units of Ringling College, including all majors, programs, courses, departments, centers, and institutes; and to all Ringling College personnel, including all students, faculty, staff, employees, and independent contractors, all of whom are covered by this policy for the

duration of their relationship with Ringling College. Employees are defined as those who receive direct or indirect compensation from Ringling College, such as wages, salaries, stipends, free housing, and the like. It is acknowledged that a single person (referred to as the “creator”) may create Intellectual Property in different or multiple capacities from time to time (**e.g.**, a student acting as an employee, or a member of the faculty acting in a staff capacity, as referenced in Sections II.D.2 and II.E.3). Ownership of Intellectual Property will be determined based on the particular capacity in which the creator is acting while creating it.

C. **Intellectual Property Defined.** As used in this Policy, the term “Intellectual Property” means:

1. all works of authorship subject to copyright protection (including, for example, works of art, writings, pedagogical works, photographs, musical compositions, motion pictures, audiovisual works, multimedia works, sculpture, architectural works, data, designs, and software, regardless of the extent to which any of the foregoing may be patentable);
2. all inventions subject to patent protection (including, for example, articles of manufacture, devices, compounds, plants, biological materials, processes, business methods, patentable designs, and patentable software);
3. all brands, logos, taglines, visual identities, and other source identifiers for goods or services;
4. all trade secrets, know-how, and other proprietary information that obtains commercial value from being kept confidential;
5. all proprietary and intellectual property rights that apply to the foregoing in any jurisdiction, including without limitation patents, copyrights, and trademarks, and the right to apply for and renew the same; and
6. the exclusive right to make, use, license, commercialize, and deal in the foregoing.

## II. Intellectual Property Ownership.

- A. **Policy Summary.** As further described in this Section II, it is the general policy of Ringling College that:
1. Intellectual Property created by students and faculty is owned by the creator, unless the Intellectual Property has been specially commissioned by Ringling College from the creator(s);
  2. Intellectual Property created by staff and non-faculty employees is owned by Ringling College; and
  3. Ownership of the Intellectual Property of the work of independent contractors for Ringling College is determined by written agreements at the time the work is contracted.
- B. **Policy as to Staff and Non-Faculty Employees.** Ringling College alone owns all Intellectual Property created by creators acting within their capacity as Ringling College staff and non-faculty employees within the scope of their employment by Ringling College.
- C. **Policy as to Independent Contractors.** Ringling College’s policy is to enter into written agreements with each of its independent contractors describing the Intellectual Property to be created, if any, prior to the independent contractor’s creation thereof. Independent contractors are defined as non-employees.
- D. **Policy as to Faculty.** Intellectual Property created by faculty members acting solely within their capacity as Ringling College faculty is owned by and remains with the creator alone, and not Ringling College, unless the Intellectual Property is a Commissioned Work (as defined in Section II.H) or is created in furtherance of a faculty administrative, governance, or other institutional service role (as defined in II.D.2).
1. **Pedagogical Works.** Creators acting solely within their capacity as faculty shall own all pedagogical works of their own creation, including without limitation all class notes, presentations, handouts, slides, demos, and lectures. Each faculty member hereby grants to Ringling College the royalty-free, perpetual, irrevocable worldwide right and license in all media to use, reproduce, record, publicly display, sublicense, distribute, and make derivative works of, all such pedagogical works as part of the Ringling College instructional program. At their discretion, faculty members may also make necessary changes to maintain the accuracy and currency of their pedagogical materials.
  2. **Faculty Administrative, Faculty Governance, or Other Institutional Service Roles.** Faculty members are not considered to be acting within their capacity as faculty when they act in an administrative capacity or in service to the institution through the Faculty Governance/Committee structure or other types of institutional service. Intellectual Property Rights in works created by faculty acting within the scope of these roles shall be owned by Ringling College, including without limitation curricula and curriculum development, course descriptions, policies, accreditation materials, committee and task force reports, departmental reports, correspondence, memos, evaluations of faculty, and evaluations of students, regardless of the medium.

3. **License to Ringling College.** When any particular Intellectual Property of a faculty member is determined to be owned by the faculty member in accordance with this policy, the owner hereby grants to Ringling College the right and license to use and reproduce that Intellectual Property for Ringling College's reasonable administrative purposes, including, for example, in connection with events, catalogues, and other materials in any media relating to marketing, admissions, fundraising, and other customary Ringling College functions. The grant of this right and license to use shall be nonexclusive, perpetual, and royalty-free. Ringling College shall have the right in perpetuity to publicly claim that the Intellectual Property was created while the creator was affiliated with Ringling College.
- E. **Policy as to Students.** Intellectual Property created by students acting solely within their capacity as students is owned by the creator alone, and not Ringling College, unless the Intellectual Property:
  1. is a Commissioned Work (as defined in Section II.H);
  2. is a part of a larger work that is a Commissioned Work, regardless of whether the student has signed the applicable Intellectual Property Ownership Agreement; or
  3. is created in the student's alternate capacity as a non-faculty employee or independent contractor (as defined in Section II.C.)
- F. **Student Class-Work.** Each Student hereby grants to the assigning faculty member the right and license to use for scholarly and educational purposes reproductions of all works created by such student at the behest of such faculty member in connection with assigned class-work.
- G. **License to Ringling College.** When any particular Intellectual Property of a student is determined to be owned by the student in accordance with this policy, the owner hereby grants to Ringling College the right and license to use and reproduce that Intellectual Property for Ringling College's reasonable administrative purposes, including, for example, in connection with events, catalogues, and other materials in any media relating to marketing, admissions, fundraising, and other customary Ringling College functions. The grant of this right and license to use shall be nonexclusive, perpetual, and royalty-free. Ringling College shall have the right in perpetuity to publicly claim that the Intellectual Property was created while the creator was affiliated with Ringling College.
- H. **Intellectual Property Ownership Policy.** As used in this policy, the term "Commissioned Work" means Intellectual Property that:
  1. is requisitioned by Ringling College pursuant to a written agreement with the creator; and
  2. is supported by a direct allocation of Extra Consideration (as defined in Section II.I) by or through Ringling College to the creator expressly in exchange for the requisitioned Intellectual Property.
- I. **Extra Consideration Defined.** As used in this policy, the term "Extra Consideration" is defined to mean consideration (including extra pay, the allocation of extra resources, or any release time from normal duties except faculty development grants and faculty paid study leave) provided by Ringling College to creators of Commissioned Works, which such consideration would not otherwise have been earned by the creators in the course of their customary relationship with Ringling College.
- J. **Outside Funding Exceptions.** This policy shall not limit Ringling College's or any faculty member's ability to meet any obligations for deliverables under any grant, sponsored research agreement, or other outside funding contract, which shall supersede this policy to the extent that they differ.
- K. **Negotiated Exceptions.** This policy may be superseded as it applies to any creator by written agreement entered into and duly executed by such person and an authorized representative of Ringling College. For example, the creator of Intellectual Property that would normally be owned by the creator may elect to transfer ownership to Ringling College, under terms that may be agreed to in writing by the creator and an authorized representative of Ringling College.
- L. **Rights Clearance.** Responsibility for assuring that Intellectual Property does not infringe any third party proprietary rights and is otherwise free of liens and encumbrances rests fully with the owner(s) thereof as determined under this policy.
- M. **Registration.** Responsibility for applying for and obtaining statutory registration or other legal protection for any Intellectual Property rests with the owner(s) as determined under this policy.
- N. **Authorized Uses.** In addition to the authorized right and license to use granted under this policy by faculty members and students, if a party other than Ringling College is determined to be the owner of any particular Intellectual Property in accordance with this policy, the owner thereof hereby grants Ringling College the nonexclusive, perpetual, royalty-free right and license to use and reproduce such Intellectual Property created hereunder for Ringling College's reasonable administrative purposes, including without limitation in connection with events, catalogues, and other materials in any media

relating to marketing, admissions, fundraising, and other customary Ringling College functions. Ringling College shall have the right in perpetuity to publicly claim that the Intellectual Property was created while the creator was affiliated with Ringling College.

- O. **Limitations on Sale & Modification.** Ringling College may not sell or materially modify any Intellectual Property without the prior written permission of the owner (if other than Ringling College), and only upon terms and conditions agreed to in advance.
- P. **Responsibility to Declare.** When Intellectual Property is to be owned by Ringling College under this policy, the creator shall make good faith efforts to maintain notes or records of his or her efforts to create such Intellectual Property and shall inform in writing his or her immediate supervisor in a timely manner.

### III. Dispute Resolution.

- A. **General.** Ringling College encourages open and honest communication between members of the Ringling College community, and believes that most questions and disputes can and should be resolved amicably and rationally through the forthright analysis of issues and the joint exploration of solutions. Any disputes respecting this policy which are not mutually resolved shall be referred to the Intellectual Property Advisory Committee, which shall make recommendations for resolution to the President of Ringling College.
- B. **Regular Review.** This policy shall be reviewed regularly.
- C. **Compliance with Law.** Notwithstanding any other provision of this policy, this policy will be modified as necessary to comply with applicable Federal or state law (e.g., to ensure Ringling College's continued status as a tax-exempt entity) or otherwise as directed by Ringling College's governing board.

### IV. General Provisions.

- A. **Use of Resources.** Ringling College resources are to be used for Ringling College purposes and in accordance with College policies. Use of institutional resources may result in an assertion of Intellectual Property ownership rights by Ringling College and creators should receive clearance to use those resources.
- B. **Limitations Imposed By Resources.** Use of certain Ringling College resources, such as certain software packages, to create Intellectual Property may be subject to contractual obligations that impose certain limitations on use of the resulting Intellectual Property. (To illustrate: the educational edition of a Ringling College software package may require that the resulting Intellectual Property be used only for educational purposes and not for commercial exploitation, for example, or that the Intellectual Property not be distributed to third parties or posted to public websites.) Accordingly, owners of Intellectual Property as determined by this Policy may not enjoy complete freedom to use or commercially exploit the Intellectual Property if certain Ringling College resources were used in its creation. Such owners should confer with Ringling College administrative personnel to clarify whether such limitations apply with respect to any Intellectual Property intended for purposes other than educational purposes.
- C. **Likenesses.** Each faculty member, staff member, and student hereby grants to Ringling College the right and license to use for promotional purposes such faculty member's, staff member's, or student's likeness and right of persona.
- D. **Ringling College Trademarks.** Nothing in this policy affects Ringling College's continued exclusive ownership in its name. Ringling College's registered trademarks, as well as other names, seals, logos, visual identities, and other symbols and marks that are representative of Ringling College, may be used solely with Ringling College's permission. Items offered for sale bearing Ringling College's name or marks must be licensed.
- E. **Nondisclosure and Other Agreements.** Prior to executing any third party nondisclosure agreement or other agreement respecting proprietary rights or Intellectual Property, Ringling College personnel should ensure that their doing so does not conflict with this or any other Ringling College policy.
- F. **Third Party Intellectual Property.** Nothing in this policy authorizes any Ringling College personnel to make, use, sell, bring to Ringling College facilities, or otherwise exploit any third party Intellectual Property in which such personnel does not have the necessary right or license to do so.

Adopted by the Ringling College of Art and Design Board of Trustees, February 14, 2008.

# Drug-Free Colleges and Communities Act Drug and Alcohol Abuse Prevention Policy

Ringling College considers the abuse of drugs or alcohol by its faculty, staff and students to be unsafe and counterproductive to the educational process and the work environment. It is Ringling College's policy that the illegal possession, use, consumption, sale, purchase, or distribution of alcohol, illegal drugs, or illegally possessed drugs by any employee, while in the workplace, on campus, or in the conduct of Ringling college-related work off campus, is strictly prohibited.

For purposes of this policy, campus is defined as any area used for work, recreation, residence hall or parking purposes, including sidewalks and exterior areas. The College permits persons of legal drinking age or older to possess and consume alcoholic beverages within the confines or private units within the Bayou village and Palmer Quadrangle, subject to all federal, state, and local laws, and the guidelines which have been established by the College (see "Guidelines for Legal Use of Alcohol in Private Student Residences" in the Student Handbook.)

This policy is not designed to interfere with the appropriate use of prescription drugs. Employees should notify their supervisors if the proper use of prescribed medication will affect work or academic performance. Abuse of prescription drugs will be treated as a violation of this policy.

## Disciplinary Actions to Prevent Drug Abuse

Penalties or sanctions will be imposed by the college in accordance with procedures for disciplinary actions against employees and students as found in the Student Handbook, the Staff Handbook, the Faculty Handbook and other applicable documents. Sanctions and penalties may range from referral to rehabilitation programs, written warnings with probationary status, to dismissal from academic programs and termination of employment.

## Distribution and Review of Policy

A copy of this policy will be given annually to each employee and to all new employees at the start of employment. Each student registered during an academic year in any degree program will receive a copy of this policy.

The President will ensure that a biennial review of this policy will be conducted to determine its effectiveness and to implement any necessary changes.

## Legal Sanctions

In addition to the disciplinary sanctions Ringling College imposes for violations of this policy, employees and students are subject to state and/or Federal sanctions.

Employees who work off-site are subject to the appropriate state and/or local sanctions for their work location.

Florida 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

Illicit drugs and the health risks involved in using them include, but are not necessarily limited to:

A. ***Cannabis (Marijuana)***

Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Marijuana can also produce paranoia and psychosis.

B. ***Inhalants (Gases or Volatile Liquids)***

Immediate negative effects may include nausea, sneezing, coughing, nose bleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays may also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long term use may result in hepatitis or brain damage.

C. ***Cocaine***

Use causes the immediate effects of dilated pupils, elevated blood pressure, increased heart rate, and elevated body temperature. Chronic use can cause ulceration of the mucous membrane in the nose and produce psychological dependency. Crack or freebase rock, a concentrated form of cocaine, produces effects within ten seconds of administration. In addition to the above, additional effects include loss of appetite, tactile hallucinations, paranoia, and seizures. Cocaine in any form may lead to death through disruption of the brain's control of heart and respiration.

D. ***Other Stimulants***

These include amphetamines and methamphetamines. Users may perspire, experience headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause physical collapse, very high fever, stroke, or heart failure.

E. ***Depressants***

Included are barbituates, methaqualone, and tranquilizers. Effects can cause slurred speech, staggering gait, and altered perception. Very large doses can cause respiratory depression, coma, and death. The combination of depressants and alcohol can be devastating. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs. Some show birth defects and/or behavioral problems.

F. ***Hallucinogens***

Effects of hallucinogens vary depending upon the type of drug. Chronic users may experience mood disorders, paranoia, violent behavior, hallucinations, panic, confusion, loss of control, and death.

G. ***Narcotics (including heroin)***

Overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and death. Tolerance to narcotics develops rapidly, and dependence is likely. Addiction in pregnant women can lead to premature, stillborn, or addicted infants.

H. ***Designer Drugs***

These drugs have had their molecular structure changed chemically to produce analogs such as synthetic heroin and hallucinogens. These analogs can be hundreds of times stronger than the original drug which they are designed to imitate. One dose can cause uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage.

## 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.

## Resources: Counseling, Treatment, and Rehabilitation

Any employee or student who believes he or she has a problem with drug and/or alcohol abuse is urged, for his or her own benefit as well as the benefit of fellow employees and students, to seek counseling and treatment through a treatment program of his or her choice. Options for assistance and referral include:

- On campus referral sources. Employees may contact the Office of Human Resources and students may contact the Office of Student Life for assistance in locating a treatment program. All requests for counseling and treatment sessions, as well as referrals, will be handled in a confidential manner.
- The Office of Student Life has two professional mental health counselors on staff to assist members of the Ringling College community. In addition, the Dean of Student, Assistant Dean of Students, Coordinator of Residence Life and the residence life staff are trained in crisis intervention and may provide assistance an/or implement the necessary conduct procedures regarding student behavior.
- Clinics and programs that provide counseling and/or treatment in this area. Listings can be found in the yellow pages of the local telephone directory under the heading of Drug Abuse & Addiction Information & Treatment.

## Procedures for Events with Alcohol

Ringling College considers the abuse of alcohol by its faculty, staff and students to be unsafe and counterproductive to the educational process and the work environment. We do not encourage the presence and use of alcohol at College sponsored events. The College may, however, permit the legal purchase and use of alcoholic beverages at College related events that are properly organized and scheduled only when the event will not interfere with scheduled academic activities or the normal operations of the College. If such a program will involve students, permission to provide service must be acquired from the Vice-President for Student Life and Dean of Students and the Vice-President for Academic Affairs (in cases where a faculty member is the sponsor or when event is related to Academic Affairs).

Requests for permission to serve alcohol will only be considered if a third party vendor properly licensed by appropriate state and local authorities has been contracted to serve alcohol. A copy of the appropriate license must be submitted with the request. Requests from the faculty or staff sponsor must be made in writing by completing the

*Alcohol Policy Exemption Form that is available online:*  
<https://www.ringling.edu/index.php?id=1802>

at least two weeks prior to the proposed event. Furthermore, only events where the majority of the intended Ringling College attendees will be of legal drinking age will be considered for approval.

ADDITIONALLY, THE FOLLOWING ARE SPECIFIC POLICIES AND PROCEDURES THAT MUST BE FOLLOWED FOR THE USE OF ALCOHOL AT COLLEGE EVENTS:

1. The only alcoholic beverages that can be served at College functions that are student- oriented are beer and wine.
2. One quarter hour prior to the approved ending time listed on the Alcohol Exemption Form, service/sales will stop.
3. College funds will not be used to pay for or sponsor a party, meal or event where alcoholic beverages are consumed, served or sold in violation of Florida law.
4. Any advertisements for the event (including leaflets, invitations, posters, letters, and all other forms of advertisements) cannot advertise alcohol. These advertisements can display the following information: Beverages will be available. Must have valid state-issued picture identification for verification of age.
5. An adequate amount of food and alternative beverages (such as: water, juice, assorted sodas, coffee, and teas) must be available throughout the entire event. The amount of the food and beverages appropriate for the size and duration of the event will be determined by the Vice-President for Student Life and Dean of Students for events involving students.
6. The sponsor is responsible for ensuring that all College policies and procedures are strictly obeyed.
7. Appropriate precautionary measures must be in place to ensure that beer and wine are not served to individuals under the legal drinking age (21 in the State of Florida). These measures include having a designated non-student individual, screening persons at the event. At any time during the event, the individual screening has the option to decline identification provided by an individual. The entire staff working the event has the right to refuse service to individuals deemed as having enough alcohol prior to or during the event.
8. Under no circumstances should anyone be coerced to drink alcohol. This means no drinking games, contests, or events to encourage excessive drinking. Additionally, alcohol cannot be given as a prize.
9. No kegs, or other common source alcohol containers (such as punch, party balls, etc.) are permitted.
10. Public intoxication at any College sponsored event, in any College facility or area, including common or outdoor areas in College owned residential facilities is prohibited and will be subject to disciplinary action.
11. An approved staff or faculty supervisor must be present at the event for the entire duration. The Vice-President for Student Life and Dean of Students may require more than one supervisor depending on the size and nature of the event.
12. Depending on the size and nature of the event, the Vice-President for Student Life and Dean of Students may require the presence of Public Safety/Contracted Security/and/or Police. This will be at the expense of the sponsor.
13. Violations of these guidelines during the event may result in the closing of the event. All individual violations will be referred to the Vice-President for Student Life and Dean of Students for review. The College can take disciplinary action as a result of violations of these policies and procedures.
14. Adherence to these policies and procedures applies to any College sponsored program or activity (including field trips, gallery events, etc.) whether on or off-campus.

For further information and guidance on the policies and procedures related to events with alcohol, please contact the Vice-President for Student Life and Dean of Students.

## Policies and Procedures for Events with Alcohol

Ringling College considers the abuse of alcohol by its faculty, staff and students to be unsafe and counterproductive to the educational process and the work environment. We do not encourage the presence and use of alcohol at College sponsored events. The College may, however, permit the legal purchase and use of alcoholic beverages at College related events that are properly organized and scheduled only when the event will not interfere with scheduled academic activities or the normal operations of the College. If such a program will involve students, permission to provide service must be acquired from the Vice-President for Student Life and Dean of Students and the Vice-President for Academic Affairs (in cases where a faculty member is the sponsor or when event is related to Academic Affairs).

Requests for permission to serve alcohol will only be considered if a third party vendor properly licensed by appropriate state and local authorities has been contracted to serve alcohol. A copy of the appropriate license must be submitted with the request. Requests from the faculty or staff sponsor must be made in writing by completing the

Alcohol Policy Exemption Form that is available online:  
<https://www.ringling.edu/index.php?id=1802>

at least two weeks prior to the proposed event. Furthermore, only events where the majority of the intended Ringling College attendees will be of legal drinking age will be considered for approval.

ADDITIONALLY, THE FOLLOWING ARE SPECIFIC POLICIES AND PROCEDURES THAT MUST BE FOLLOWED  
FOR THE USE OF ALCOHOL AT COLLEGE EVENTS:

1. The only alcoholic beverages that can be served at College functions that are student- oriented are beer and wine.
2. One quarter hour prior to the approved ending time listed on the Alcohol Exemption Form, service/sales will stop.
3. College funds will not be used to pay for or sponsor a party, meal or event where alcoholic beverages are consumed, served or sold in violation of Florida law.
4. Any advertisements for the event (including leaflets, invitations, posters, letters, and all other forms of advertisements) cannot advertise alcohol. These advertisements can display the following information: Beverages will be available. Must have valid state-issued picture identification for verification of age.
5. An adequate amount of food and alternative beverages (such as: water, juice, assorted sodas, coffee, and teas) must be available throughout the entire event. The amount of the food and beverages appropriate for the size and duration of the event will be determined by the Vice-President for Student Life and Dean of Students for events involving students.
6. The sponsor is responsible for ensuring that all College policies and procedures are strictly obeyed.
7. Appropriate precautionary measures must be in place to ensure that beer and wine are not served to individuals under the legal drinking age (21 in the State of Florida). These measures include having a designated non-student individual, screening persons at the event. At any time during the event, the individual screening has the option to decline identification provided by an individual. The entire staff working the event has the right to refuse service to individuals deemed as having enough alcohol prior to or during the event.
8. Under no circumstances should anyone be coerced to drink alcohol. This means no drinking games, contests, or events to encourage excessive drinking. Additionally, alcohol cannot be given as a prize.
9. No kegs, or other common source alcohol containers (such as punch, party balls, etc.) are permitted.
10. Public intoxication at any College sponsored event, in any College facility or area, including common or outdoor areas in College owned residential facilities is prohibited and will be subject to disciplinary action.
11. An approved staff or faculty supervisor must be present at the event for the entire duration. The Vice-President for Student Life and Dean of Students may require more than one supervisor depending on the size and nature of the event.
12. Depending on the size and nature of the event, the Vice-President for Student Life and Dean of Students may require the presence of Public Safety/Contracted Security/ and/or Police. This will be at the expense of the sponsor.
13. Violations of these guidelines during the event may result in the closing of the event. All individual violations will be referred to the Vice-President for Student Life and Dean of Students for review. The College can take disciplinary action as a result of violations of these policies and procedures.
14. Adherence to these policies and procedures applies to any College sponsored program or activity (including field trips, gallery events, etc.) whether on or off-campus. For further information and guidance on the policies and procedures related to events with alcohol, please contact the Vice-President for Student Life and Dean of Students.

## REQUEST FOR PERMISSION TO SERVE ALCOHOL AT COLLEGE EVENT FORM

Name of Event Requester:

Requesting Faculty or Staff Sponsor:

Phone:

Name of Event:

Date of Event:

Time of Event:

Location:

Students in Attendance:

Yes (Requires approval of the Vice-President for Student Life and Dean of Students).

Yes (If related to Academic Affairs also requires approval of Vice President for Academic Affairs).

No (Requires approval of the President).

Brief Description of the Event:

Name of Third Party Vendor with Appropriate License

Phone Number/Contact Information for Third Party Vendor (Attach License)

List the food and non-alcoholic beverages that will be present:

**I have read the "Policies and Procedures for Events with Alcohol" and understand what is required.**

Signature of Event Requester:

Signature of Faculty or Staff Sponsor:

Conditions of Approval:

**SIGNATURE(S) FOR APPROVAL:**

President:

VP for Student Life and Dean of Students:

VP for Academic Affairs:

**cc: Public Safety, Student Life, Academic Affairs, Facility Operations**

## Plan for Combating the Unauthorized Distribution of Copyrighted Material by Users of the Ringling College of Art and Design Network

Version 5 December 2010

12/16/10; 4/8/11

Complies with the Higher Education Opportunity Act (HEOA) of 2008

**Public Law 110-215 34 CFR § 668.14, § 668.43**

### Higher Education Opportunity Act (HEOA) of 2008

Ringling College of Art and Design

Sarasota, FL

URL: <http://www.ringling.edu>

Contact: Dr. Mahmoud Pegah

[mpegah@ringling.edu](mailto:mpegah@ringling.edu)

941-359-7633

## Overview

Ringling College of Art and Design complies with the Digital Millennium Copyright Act, the Higher Education Opportunity Act (HEOA), and intellectual property laws through its policies and protocols. Sections § 668.14 and § 668.43 of HEOA include provisions to curb the unauthorized distribution of copyrighted materials, with particular attention to unauthorized distribution of copyrighted materials on the campus network. These include, but are not limited to, movies, music, images, books, and software. The provisions of HEOA require that Ringling College of Art and Design:

- Develop and implement a written plan to effectively combat the unauthorized distribution of copyrighted material by users of the institution's network; and
- Provide an annual disclosure to students informing them of federal copyright laws and explaining institutional policies and sanctions related to violations of copyright law;
- Periodically review and, to the extent practical, offer legal alternatives for acquiring copyrighted material.

The following is Ringling College of Art and Design's plan for complying with HEOA regarding the unauthorized distribution of copyrighted materials on the College's campus networks.

## Policies and Sanctions

Multiple policies of Ringling College of Art and Design address copyright/intellectual property. The following policies are posted online for faculty, staff, students and trustees of Ringling College and included in the official Faculty, Staff and Student Handbooks, also online:

- Responsible Use of Electronic Communications Policy
- Responsible Use of Information Technology Resources
- Intellectual Property Ownership Policy
- Ringling's Position on Sharing Utilities such as Morpheus and Napster

When Ringling College faculty, students, and staff activate their network services, they must complete an acceptable use agreement (<https://it.ringling.edu/policies/responsible-use-of-electronic-communications/>)

Additionally, these policies are included in the Student Handbook

- Residential Data Network Connection Privilege Agreement
- Notebook Computer Information Grant of License

Upon entering Ringling College, students sign a statement that they understand they are responsible for reading, understanding, and abiding by the Student Handbook which is posted on-line.

Ringling College of Art and Design does not monitor P2P activities on its Data Network. External entities that protect the rights of the record companies and owners, such as the Recording Industry Association of America (RIAA) and Motion Picture Association of America (MPAA), the Business Software Alliance (BSA), and the Entertainment Software Association (ESA) among others, monitor illegal downloading, copying or sharing of music, videos, commercial software and computer games using P2P programs across the Internet. When a copyright violation is discovered, copyright holders or their agents will report the alleged infringement to the Office of the President or the Office of Institutional Technology where the IP address is registered. Ringling College is required to respond to complaints from copyright holders, and entities representing copyright holders, regarding computers on campus that are illegally distributing copyrighted materials. Copyright holders or their agents will request that the Office of Institutional Technology identify the owner of the device associated with the reported IP address and relay the Takedown or DMCA Notice to the alleged copyright infringer and/or coordinate the removal of access to the infringing content.

The Office of Institutional Technology blocks the IP address alleged by the cease and desist notice from the organizations that protect the rights of the media companies and owners.

The Office of Institutional Technology then notifies the user or Responsible Party of the notice via an electronic process and requests a cease and desist statement from the user or party responsible for breaching the Responsible Use of Electronic Communications agreement.

Furthermore, the user who has violated copyright and fair use policy through downloading and sharing of copyright-protected materials must submit their computer(s) to the Office of Institutional for verification that the material and applications used to download and share the materials are removed from their computer(s). The responsible party must acknowledge the breaching Responsible Use of Electronic Communications agreement and understanding of the federal law in order to regain network access privileges.

Second consecutive offenses require viewing of the Copyright Education materials and referral to the Office of Student Life.

Third consecutive offenses are referred to the Office of Student Life. If there are no extenuating circumstances, the third offense usually triggers suspension of user's access to the Internet via Ringling College network permanently.

Disciplinary action will be taken by Office of Student Affairs or by an employees' supervisor in accordance with Office of Human Resources policy and procedures.

In addition, the Office of Institutional Technology monitors network activities and identifies potential violators and follows the above procedure.

## Annual Disclosure to Students

At the start of each academic year, the Office of Institutional Technology sends a welcome back message to all students which contains a reminder that the unauthorized distribution of copyrighted materials violates federal copyright laws as well as institutional policies. This message also contains links to the sites where students can access institutional policies, protocols, and guidelines. See Addendum A.

## Education and Awareness

Ringling College is committed to responsible use and protection of copyrighted content and educating its community in that regard.

- Ringling College employees and faculty are educated during new employee and new faculty orientation sessions by the Offices of Institutional Technology, Library Services and Human Resources.
- When Ringling College faculty, students, and staff activate their network services, they must complete an acceptable usage agreement. The agreement includes several statements relating to copyright infringement and how it relates to Ringling College policies and the law <http://www.ringling.edu/iso/compliance/heoa/>.
- Incoming students new to Ringling College are educated during orientation sessions. Students are directed to review the Student Handbook and must sign a statement that they understand that they are responsible for reading, understanding, and abiding by the Student Handbook which is posted online.
- Annually, students are sent a notice informing them of federal copyright laws and penalties and informing them of institutional policies and sanctions related to violations of copyright law.
- A Web page dedicated to copyright and fair use is published and maintained by the Offices of Institutional Technology and Kimbrough Library. Links to in-house and external information and training sources are included.
- Training and awareness presentations are offered on campus by such offices as Center for Career Services and incorporated into classroom instruction by faculty and the Director of Library Services.

## Legal Alternatives

In addition to its efforts to educate and inform the Ringling community about issues relating to copyrighted material and its procedures for handling notices and occurrences of unauthorized distribution of copyrighted material, the College provides sources of and information about legal means of downloading and acquiring copyrighted material. Kimbrough Library, through its subscription licensing program and library acquisitions, provides electronic books and periodicals, sound effects and music, images, and other resources for legal

download at [lib.ringling.edu](http://lib.ringling.edu). EDUCAUSE's Legal Sources of Online Content page <http://www.educause.edu/legalcontent> is supplemented with links to additional sources, including MusicUnited <http://www.musicunited.org/>; RespectCopyrights <http://www.respectcopyrights.org/>, and <http://uis.georgetown.edu/students/legaldownloads/>.

## Technology-Based Deterrents

Ringling College of Art and Design complies with the Digital Millennium Copyright Act and the Higher Education Opportunity Act (HEOA) and vigorously attempts to identify alleged copyright infringers. In addition, the Office of Institutional Technology has protocols that result in escalating access restrictions for alleged copyright infringers on the campus wireless network and the residence hall network, the two networks for which the majority of copyright infringement notices are received when the College is notified of such instances of infringements.

Ringling College has implemented technology based solutions to:

1. monitor bandwidth usage of user's of the campus network resources,
2. monitor network traffic to identify the largest bandwidth users via their assigned IP number,
3. electronically block violator's computers from the Internet,
4. accept and respond to DMCA notices in a timely fashion

## Periodic Review of the Plan

The College shall review this Plan for Combating the Unauthorized Distribution of Copyrighted Material by Users of the Ringling College of Art and Design Data Network as necessary and appropriate given developments in technology, law, regulation and policy, but shall conduct a formal review of the Plan no less than every year. The review shall be led by the Office of Institutional Technology, Library, and Vice-President for Student Life and others as necessary.

## Addendum A: Annual Disclosure to Students

### A memo to Students—Copyright and File Sharing

Ringling College of Art and Design does not monitor P2P activities on its Data Network. External entities that protect the rights of the record companies and owners, such as the Recording Industry Association of America (RIAA) and Motion Picture Association of America (MPAA), the Business Software Alliance (BSA), and the Entertainment Software Association (ESA) among others, monitor illegal downloading, copying or sharing of music, videos, commercial software and computer games using P2P programs across the Internet. When a copyright violation is discovered, copyright holders or their agents will report the alleged infringement to the Office of the President or the Office of Institutional Technology where the IP address is registered. Ringling College is required to respond to complaints from copyright holders, and entities representing copyright holders, regarding computers on campus that are illegally distributing copyrighted materials. Copyright holders or their agents will request that the Institutional Technology identify the owner of the device associated with the reported IP address and relay the Takedown or DMCA Notice to the alleged copyright infringer and/or coordinate the removal of access to the infringing content.

## Penalties and Legal Actions

### Penalties

A user in violation of copyright law may face the following penalties:

1. Suspension from Ringling Data Network.
2. Prosecution in criminal court or a civil lawsuit seeking damages. Civil liability for copyright infringement can be as high as \$150,000 per instance of infringement in addition to legal fees. Criminal penalties for a first offense may be as high as three years in prison and a fine of \$250,000.
3. Disciplinary action taken by Student Affairs or by an employees' supervisor in accordance with HR policy and procedures.

### Legal Actions

1. Lawsuits - In January 21, 2004 the RIAA sued 532 people for large-scale copyright infringement.
2. Focusing on Higher Education Students - September 30, 2004, the RIAA Brings Lawsuits Against 762 Illegal File Sharers.
3. On June 18, 2009, a federal jury held an individual liable for \$1.92 million (\$80,000 per song) for copyright infringement of 24 songs using the Kazaa peer-to-peer network.

## Using P2P File Sharing on-campus

When using P2P file sharing programs, users should be aware of what they are downloading and sharing to avoid violating copyright laws, because even accidental violations can result in penalties. If you choose to use a P2P program regardless of the risks, please take the following steps to protect yourself:

1. Prior to installing P2P software, make sure it provides you with the ability to restrict access to a designated shared folder. While installing the software, designate a folder that contains only the files you want others to see and access.
2. Turn off or disable the upload ability from your computer if you are not actively sharing documents. There may be an option in your software to "disable uploading to others", "disable file sharing" or reduce "upload rates" to zero.
3. Refrain from downloading files that are likely protected by the copyright law, and do not make such files available to others. While there are cases where the legal right to copy and distribute may not be clear, items such as commercial software with a "free" or "hacked" license, current movies and music, and other items that you would normally pay for, are likely not being shared legally.
4. Disable your file sharing applications when you are not using them. This will limit the amount of bandwidth consumption on your computer.
5. Please contact Institutional Technology Help Desk if you need further assistance.

## Recommended Practices

1. Disable the Simple File Sharing feature on Windows machines. You can do so, by clicking on Start→Control Panel →Folder Options →Tab View→ Uncheck "Use Simple File Sharing"→Apply→OK .
2. Install and update anti-virus and anti-spyware software frequently. Please visit Institutional Technology website on operating systems update instructions for Microsoft Windows and Mac OS X platforms.
3. Install and maintain your personal firewall updates.
4. Adhere to Ringling College of Art and Design's copyright policy and copyright violation guidelines.
5. For more information on how to disable file sharing on your computer, please visit the Institutional Technology Documentation page on File Sharing.

## Addendum B: For Website

### Information to Students Regarding Copyright and Technology Resources

It is the policy of Ringling College of Art and Design to comply with copyright and other intellectual property laws. As a network and Internet user, you must be aware of laws and policies concerning the use of copyrighted material, especially digital material – music, movies, software, etc.

Students agree to comply with Ringling's policies and procedures with respect to copyright, intellectual property, and use of technology resources when then enroll at the College. These may be found in the Student Handbook and include: Responsible Use of Electronic Communications Policy, Responsible Use of Information Technology Resources, Intellectual Property Ownership Policy, Ringling's Position on Sharing Utilities such as Morpheus and Napster Residential Data Network Connection Privilege Agreement, and Notebook Computer Information Grant of License.

Copyright exists in any original work which exists or is fixed in any tangible medium of expression. Images displayable on computer screens, computer software, music, books, magazines, scientific and other journals, photographs and articles are some of the things subject to copyright. A copyright notice is not required for the work to be protected.

As provided in 17 U.S.C. §§ 107 and 108, it is a violation of copyright law to copy, distribute, display, exhibit or perform copyrighted works without the authority of the owner of the copyright, except for those

circumstances which meet the exemptions and exceptions as specified by law. For information about copyright law and various exceptions, see the website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially the FAQs. In short, copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner. In the file sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Legal penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

Institutional sanctions can include suspension of user's access to Ringling College networks and referral to the appropriate College administrative office for disciplinary action.

Legal alternatives to illegal downloading include licensed resources provided by Ringling College's Kimbrough Library and Office of Institutional Technology and other suggested resources listed at <https://www.ringling.edu/wp-content/uploads/2020/09/Combating-Unauthorized-Distribution-of-Copyrighted-Material.pdf>.

Office of Institutional Technology and Kimbrough Library

## Equal Employment Opportunity Policy

The College provides equal employment opportunity to all persons without regard to sex, age, gender, color, race, national or ethnic origin, religion, marital status, sexual orientation, gender identity or expression, disability, veteran status, genetic information, or any other basis prohibited by law.

The policy applies to all areas of employment, including: recruitment, hiring, training and development, promotion, transfer, termination, layoff, compensation benefits, and all other conditions and privileges of employment in accordance with applicable Federal, State, and Local laws.

The College complies with all relevant and applicable provisions of the Americans with Disabilities Act of 1990 (ADA), as amended and Section 504 of the Rehabilitation Act of 1973, as amended. The College will not unlawfully discriminate against any qualified employee or job applicant with respect to any terms, privileges, access or conditions of employment because of a person's physical or mental disability. The College also will make reasonable accommodations wherever necessary for employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and provided that any accommodations made do not impose an undue hardship on the College.

Although managers and supervisors are primarily responsible for ensuring the implementation of the College's Equal Employment Opportunity policies, all members of the faculty and staff share in the responsibility for assuring that by their personal actions the policies are effective and applied uniformly to everyone.

Anyone engaging in practices that violate the Equal Opportunity Policy, including discrimination, harassment or retaliation against someone who complains about discrimination shall be subject to disciplinary action, up to and including discharge.

Anyone who believes he or she has been subjected to unlawful discrimination, harassment, retaliation or other practices in violation of the Equal Employment Opportunity Policy should immediately contact the Director of Human Resources.

For students, the Student Conduct system will be the mechanism for handling reports of alleged violations of these policies. For employees, the Faculty Grievance Procedures and the Staff Grievance Procedures will be the mechanism for handling reports of alleged violations of these policies.

# Smoking and Vaping Policy

Ringling College of Art and Design is committed to providing a safe and healthful environment for its students, faculty, staff, and visitors. Research findings show that tobacco use in general, including smoking, vaping, and breathing secondhand smoke, constitute a significant health hazard. In addition to causing direct health hazards, smoking contributes to institutional costs in other ways, including fire damage, cleaning and maintenance costs, and costs associated with employee absenteeism.

Ringling College of Art and Design therefore has set the following policy regarding tobacco use:

Smoking and vaping is prohibited on the Ringling College main campus except in outdoor designated smoking areas. Smoking and vaping is prohibited in all areas of the Museum Campus and at the Englewood Art Center. Smoking and vaping are also prohibited in all Ringling College vehicles including golf carts. For the purposes of this policy, smoking is defined as burning and vaping any type of product including, but not limited to, cigarettes, cigars, cigarillos and pipes, and additionally includes e-cigarettes and their associated products. Smoking and vaping materials will not be sold or dispensed within any property owned, leased, or controlled by Ringling College.

This policy applies to all persons including students, faculty, staff, visitors, contractors, subcontractors, and others on Ringling College property. Designated smoking areas on the main campus for smoking and vaping are identified by signage and contain receptacles for the proper disposal of cigarette butts. All students, faculty, staff, and visitors are expected to observe these designated smoking areas and to dispose of cigarette butts safely and only in the receptacles provided.

Organizers and attendees at public events, such as conferences, meetings, public lectures, social events and cultural events that use Ringling College facilities are required to abide by this policy. Organizers of such events are responsible for communicating this policy to attendees and for enforcing this policy.

Effective enforcement of this policy depends upon the courtesy, respect, and cooperation of all members of the Ringling College community.

Information about smoking and vaping cessation programs and resources is available from the Office of Student Life or the Office of Human Resources.

# Student Grievance Policy

The primary objective of a student grievance process is to ensure concerns are promptly dealt with and resolutions reached in a fair manner. It is essential each student be given adequate opportunity to bring complaints and problems to the attention of Ringling College. The student grievance process may only be used to make a complaint about a College action or decision when there is no other process to address that particular issue (e.g. Code of Conduct, Grade Appeal, Sexual Misconduct, Discrimination, etc.).

Students are encouraged to resolve concerns by first talking directly with the College representative involved. If a student has not been able to resolve his or her complaint by speaking directly with the individual, he or she should discuss it with the College official responsible for that area of the College. The student should attempt to resolve the issue within 30 days of the occurrence. If the student is still not satisfied, he or she may file a written complaint, using the Student Grievance Form, with the Vice President for Student Life and Dean of Students as soon as possible, but no later than 6 months from the date of the incident. The Vice President of Student Life and Dean of Students will review the complaint and determine the appropriate Office or Department to respond to the complaint. If the complaint is about the Vice President for Student Life and Dean of Students, the student should direct the complaint to the President.

If the complaint involves allegations of harassment, sexual misconduct, or any form of unlawful discrimination, the complaint should be made using the procedures specific to those policies. The Vice President for Student Life and Dean of Students (Deputy Title IX Coordinator,) the Director of Human Resources (Deputy Title IX Coordinator) and the Executive Vice President (Title IX Coordinator) will assist the student in processing the complaint.

# Information for Student Regarding Copyright + Technology Resources

It is the policy of Ringling College of Art and Design to comply with copyright and other intellectual property laws. As a network and Internet user, you must be aware of laws and policies concerning the use of copyrighted material, especially digital material – music, movies, software, etc.

Students agree to comply with Ringling's policies and procedures with respect to copyright, intellectual property, and use of technology resources when then enroll at the College. These may be found in the Student Handbook, pages 108-122, and include:

- Responsible Use of Electronic Communications Policy
- Responsible Use of Information Technology Resources
- Intellectual Property Ownership Policy
- Ringling's Position on Sharing Utilities such as Morpheus and Napster
- Residential Data Network Privilege Agreement
- Notebook Computer Agreement
- Plan for Combating the Unauthorized Distribution of Copyrighted Material by Users of The Ringling College of Art and Design Network

Copyright exists in any original work which exists or is fixed in any tangible medium of expression. Images displayable on computer screens, computer software, music, books, magazines, scientific and other journals, photographs and articles are some of the things subject to copyright. A copyright notice is not required for the work to be protected.

As provided in 17 U.S.C. §§ 107 and 108, it is a violation of copyright law to copy, distribute, display, exhibit or perform copyrighted works without the authority of the owner of the copyright, except for those circumstances which meet the exemptions and exceptions as specified by law. For information about copyright law and various exceptions, see the website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially the FAQs. In short, copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner. In the file sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Legal penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

Institutional sanctions can include suspension of user's access to Ringling College networks and referral to the appropriate College administrative office for disciplinary action.

Legal alternatives to illegal downloading include licensed resources provided by Ringling College's Kimbrough Library and Office of Institutional Technology and the following suggested resources:

- Goldstein Library, through its subscription licensing program and library acquisitions, provides electronic books and periodicals, sound effects and music, images, and other resources for legal download at [Goldstein Library](#).
- EDUCAUSE's Legal Sources of Online Content: <http://www.educause.edu/legalcontent>
- MusicUnited: <http://www.music-united.org>
- RespectCopyrights: <http://www.respectcopyrights.org>

# Academic Policies and Procedures

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## Ringling College Academic Integrity Guidelines and Policy

### Academic Integrity Policy

Ringling College of Art and Design recognizes that scholarly and creative work does not occur in a vacuum but rather emerges from students' complex connections and experiences with life and with the intellectual and artistic world. Academic integrity is the process of openly acknowledging the sources of one's ideas and creations in the building of one's personal and public identity as a practitioner in the artistic community.

Faculty are responsible for clearly communicating their standards and expectations to their students. Because practices regarding intellectual property will vary depending on medium, genre, and context, students must take responsibility for accurately understanding and abiding by faculty expectations for each course in which they enroll. Ringling College expects all students to act with integrity in and out of the classroom, and among collaborators. The College also expects work done outside of course assignments—such as work submitted for exhibit and competitions, work done for freelance clients, or other work on or off campus—to be an ethical and honest creative endeavor. Both inside and outside the classroom and/or off campus, students must acknowledge the sources of their ideas and images in a manner consistent with best professional practices in their field and department.

A violation of the following policy will be determined based upon the preponderance of the evidence standard, meaning that a student will be held responsible if it is more likely than not that a violation has occurred.

### Violations of Academic Integrity Defined

Examples of violations of academic integrity may include but are not limited to:

- **Cheating:** Taking credit for another person's work, or allowing another person to take credit for one's own work; using study or test-taking aids not permitted by the instructor or copying the work of another test taker; using commercial term paper companies or ghostwriters; submitting the same work for credit more than once without prior approval of the instructor(s).
- **Copying, imitating, or appropriating** in whole or in part another person or persons' work without appropriate attribution.
- **Plagiarism:** Attributing to oneself the work of another person or persons.
- **Fabrication:** Falsification or invention of source material; altering audio, visual, or data files without appropriate notice of the alterations.
- **Failure to follow attribution policies or citation practices** advocated by the course instructor and/or described in the syllabus or other course materials.
- **Reproducing and/or publicly distributing or posting electronically copyrighted or otherwise protected intellectual property** without permission of the owner of rights to that intellectual property.
- **Impeding the work of other persons** by giving false or misleading information, stealing, or deliberately misplacing or destroying materials.
- **Facilitating or abetting violations of academic integrity** by others.

### Administration of the Academic Integrity Policy

The Vice President for Academic Affairs (VPAA) or designee is responsible for overall administration of this policy.

Contested findings of violations of the Academic Integrity Policy or otherwise referred cases will be reviewed by a subset of the Academic Standards Committee (ASC). This Sub Committee is formed by the Chairperson of the Academic Standards Committee in consultation with the VPAA. Decisions of the Sub Committee shall

not be subject to further review.

Throughout this document, written notice is defined as United States Postal Service mail, postage prepaid, with signature required and/or electronic communication with a read/receipt request attached to the document. In the event the student does not acknowledge receipt of written notice through the above methods, written notice may be accomplished by sending a letter, via regular United States Postal Service mail, postage prepaid, to the student's mailing address as contained in the College's official records, it being presumed that the student receives all mail addressed to her/him at that address. Adequate written notice will be presumed to have been delivered four (4) days after mailing.

The specified number of calendar days is meant to apply under usual conditions, and may be modified by the VPAA if, in his or her judgment, special circumstances of the case so warrant.

### Informal Resolution:

If a student is accused of an infraction of the Academic Integrity Policy, a faculty member must inform the student in question and the Department Head or Program Director to whom he or she reports by written notice of the alleged violation normally within ten (10) calendar days after the faculty member becomes aware of the circumstances giving rise to the accusation. If the faculty member is also the Department Head, then the Office of the Vice President of Academic Affairs may appoint an otherwise uninvolved faculty member to serve as a witness. The faculty member, Department Head or Program Director, and student will discuss the alleged violation in a conference normally within seven (7) calendar days after the faculty member notifies the student of the accusation. The role of the Department Head or Program Director at this conference is as a witness and not as an advocate for either the faculty member or student. During this conference or at any other informal or formal part of the resolution process, the student may choose to have an advisor for assistance. The definition and role of the advisor is described in the Ringling College of Art and Design Student Handbook and reads as follows: "An Advisor is a person, chosen by an accused student, to serve in an advisory capacity during his/her involvement in the meeting/hearing process. The primary role of the Advisor is to assist the student in preparing for meetings/hearings and to attend meetings/hearings as support for the student. The student is responsible for presenting his/her own information and, therefore, advisors are not permitted to speak or participate directly in any meetings/hearings without approval. The use of an Advisor is strongly recommended."

The student's failure to respond to this accusation may be considered to be an admission of responsibility.

If, upon completion of the conference, the faculty member concludes that the student has not violated the Academic Integrity Policy, the matter will be closed, and the Department Head or Program Director will be so informed.

### Finding of Violation:

**Agreement as to violation with agreement as to resolution:** If the student admits his or her Academic Integrity Policy violation, and the student and faculty member are able to agree on an appropriate resolution, including the penalty, written notice will be sent to the VPAA or designee. After receipt of the resolution document, the VPAA or designee shall review the College Academic Integrity files. If no prior instance of violation is on record for the student, the matter may be closed. If a prior instance of violation by the student exists, the VPAA or designee shall refer the case to the Sub Committee for its recommendation.

**Agreement as to violation with disagreement as to resolution or penalty:** If the student admits his or her Academic Integrity Policy violation, but the faculty member and student are not able to agree on an appropriate resolution, the student will notify the Department Head or Program Director and the VPAA of her/his decision to appeal. This notice of intent to appeal shall be submitted in writing within ten (10) calendar days following the conference to the VPAA or designee will refer the case to the Sub Committee for a formal review.

**Disagreement as to violation:** If the faculty member concludes a violation has occurred and the student

disagrees, the student shall notify the Department Head or Program Director and the VPAA of her/his decision to appeal. This notice of intent to appeal shall be submitted in writing within ten (10) calendar days following the conference. The VPAA or designee will refer the case to the Sub Committee for a formal review.

### Formal Review:

The Sub Committee will contact the student and faculty member involved and schedule a formal review to take place within ten (10) calendar days, at which time the student or faculty may present his or her position in writing or in person. The Committee will rule on the case and make a recommendation within ten (10) calendar days, with a report to the student and the VPAA.

The student may have the assistance of an Advisor. An Advisor is a current College employee or student, chosen by an accused student, who agrees to serve in an advisory capacity during the student's involvement in the meeting / hearing process. The primary role of the Advisor is to assist the student in preparing for meetings / hearings and to attend meetings / hearings as support for the student. The student is responsible for presenting his / her own information and, therefore, Advisors are not permitted to speak or participate directly in any meetings / hearings without approval of the chair of the Committee. The Sub Committee must receive advance notification of the Advisor's identity and that the Advisor will be present.

The Vice President for Academic Affairs may ratify the Sub Committee's decision or return the case to the Sub Committee with recommendations for further consideration, or may reduce or retain any sanction.

### Academic Integrity Policy Penalties as Levied by the Academic Standards Committee:

- Teachable Moment (provided by the Faculty Member)
- Failure of the assignment (imposed by the Faculty Member)
- Failure of the course (imposed by the Faculty Member)
- Official Reprimand (A letter of reprimand from the VPAA or designee)
- Academic Probation (period of time based on severity of violation and existence of past violations) (imposed by the Sub Committee and ratified by the VPAA or designee)
- Academic Suspension (period of time based on severity of violation and past violations) (imposed by the Sub Committee and ratified by the VPAA or designee)
- Other suitable action, including counseling, community service, or other reasonable action (may be imposed by the Sub Committee and ratified by the VPAA or designee)
- Complete a workshop on appropriate best practices for avoiding plagiarism or academic ethics with either a Ringling College Librarian and/or an Academic Resource Center staff member (imposed by the Sub Committee and ratified by the VPAA or designee)
- Expulsion from the College (imposed by the Sub Committee, ratified by the VPAA or designee and President).

The same penalties may apply to currently enrolled students for Academic Integrity offenses committed outside of a degree program course structure, such as: submitting plagiarized or falsified work for competitions and exhibitions.

These penalties are cumulative to the extent that they are not contradictory. That means that multiple penalties may be levied against a student. For example, a student may both fail the course as well as be required to complete a workshop on appropriate best practices.

### Statute of Limitation:

No statute of limitation shall exist for issues of academic dishonesty, including post-graduation situations. Before the procedures may begin, the individual(s) in question must be located and contacted. The Office of the Vice President for Academic Affairs will send written notice to the individual(s) containing all required information. When the Office of the Vice President for Academic Affairs receives confirmation that the letter has been delivered or when other written notice requirements have been met, the timetable of events begins. The ultimate in post- graduation academic punishments is revocation of degree and/or revocation of academic awards.

## Academic Standards Committee: Charge/Membership

**CHARGE:** The purpose of the Academic Standards Committee is to make recommendations students. In line with existing standards and policies, the Committee hears the appeals of students who have been academically dismissed.

**MEMBERSHIP:** The committee consists of the Associate Vice President for Academic Affairs and Dean of Faculty, the Registrar, the Vice President for Student Life and Dean of Students, Academic Advisors and regular, full-time faculty members. The faculty members will be appointed from the Liberal Arts Program and the Majors.

## Timing of Grade

During the informal and formal resolution processes, if the infraction is connected to coursework, the student's enrollment and participation in class shall not be affected.

If at the semester's end the matter has not been resolved and the student has not been assigned a grade in the course, the student shall receive an "Incomplete" in the course until such time as a grade can be determined pursuant to this policy.

If the student has already been assigned a grade in the course at the time the student is accused of an academic integrity violation, the assigned grade shall not be changed unless and until the student is determined to be in violation of or not in violation of academic integrity pursuant to this policy.

This Ringling College Academic Integrity Policy and its administration is the official policy for Ringling College students. It may be amended or revised without notice. The most recent copy of the Policy is available in the online Student Handbook and in the Catalog. Students, faculty, and staff may also be interested in other resources (which are not part of the Ringling College Academic Integrity Policy) including the following books in the Alfred R. Goldstein Library's collection:

- Crawford, Tad, ed. *AI/PA Professional Practices In Graphic Design*. New York: Allworth Press, 2008. Print.
- —. *Legal guide for the visual artist*. New York: Allworth Press, 2010. Print.
- Gilmore, Barry. *Plagiarism: A How-Not-to Guide for Students*. Portsmouth, NH: Heinemann, 2009. Print.
- MLA Citation Style Quick Guide (Goldstein Library).

## Suggested statement to be included on all course syllabi:

Academic Integrity is the process of openly acknowledging the sources of your ideas and creations in the building of your personal and public identity as a practitioner in the artistic community. Ringling College expects students to acknowledge their sources of ideas and images in a manner consistent with best professional practices in their field. Your instructor will inform you of appropriate ways to document and acknowledge sources for this course.

*Revised 8/18/2017*

## Attendance Policy

### I. **RATIONALE FOR ATTENDANCE POLICIES**

Studio art and design courses offer significant opportunities to complete coursework during class meetings with the help and guidance of the faculty. Each class meeting can build on the experience of the one before it. The fundamental nature of most art and design courses rely on student participation as an essential method for learning. If a student misses too many classes, he or she may miss a significant portion of any hand-on experience, as well as the skills and techniques taught that will be necessary in future courses. It is important to realize that even if excused, absences could impact the student's academic performance because the student will not have the benefit of such things as full classroom interaction and the opportunity to ask questions while the material is being presented. Student contributions during class time constitute a significant component of the learning process.

Students should not miss one class in order to do homework or study for another class. Some students mistakenly think this is prioritizing; in reality, it is poor time management.

## **II. OVERALL ATTENDANCE POLICY THAT APPLIES IRRESPECTIVE OF MAJOR, DEPARTMENT, OR FACULTY OF RECORD**

Regular attendance in all classes is required. Students are expected to arrive on time and remain in class for the entire period scheduled. The responsibility for work missed due to any type of absence rests with the student. Tardiness, early departure or other time away from class in excess of 15 minutes per class session may be considered absence for that class session. Classes missed due to late registration are counted in the general absences permitted for the class.

In most cases, more than two absences in a course that meets once per week, or more than four absences in a course that meets twice per week will result in a grade of F. Regardless of meeting schedules, students who miss more than 13.3% of a course will fail the course, barring exceptional circumstances.

Documented exceptional circumstances include, but are not limited to: death in the family, serious medical conditions, hospitalization, observance of religious holidays, reasonable disability accommodations and other special/unforeseen circumstances beyond the student's control. Numerous absences due to any reason including exceptional circumstances may warrant course withdrawal or failure.

Exceptional circumstances are determined on a case-by-case basis in an interactive process with the student, faculty of record, Department Head or Program Director of the course or other Ringling College professionals, as needed. Known circumstances, such as religious holidays should be discussed with the faculty of record in advance of the absence. Absences that are deemed exceptional will not affect the final grade.

## **III. ATTENDANCE POLICY DETERMINED BY FACULTY OF RECORD**

At the determination of the Faculty of Record, other absences can carry a grade penalty on the final grade percentage up to:

1. For courses that meet twice a week:  
Two absences may drop a final course grade 5%.  
Three absences may drop a final course grade up to 10%. Four absences may drop a final course grade up to 20%. Five or more absences will result in a failing grade.
2. For courses that meet once a week:  
One absence may drop a final course grade up to 5%. Two absences may drop a final course grade up to 10%. Three or more absences will result in a failing grade.

Ringling College will make every effort to reasonably accommodate students' disability related academic needs. However, neither the college nor an individual faculty member is required to waive essential or fundamental academic requirements of a course regardless of the nature of a student's disability

## **Family Educational Rights + Privacy Act of 1974 (FERPA)**

In accordance with the Family Educational rights and Privacy Act of 1974 (FERPA), students may inspect and challenge college educational records maintained in their name. Ringling College of Art and Design's policy defines a student as any person who attends or has attended the College. Educational records are defined as any record in any media maintained by the College that is directly related to a student except for the following: personal records kept by a staff member not accessible to other persons, records created and maintained by the College's operations or security for law enforcement purposes, employment records where employment is not contingent on the fact that the individual is a student, records maintained by a physician, psychiatrist, psychologist or other recognized professional used only for treatment of a student and alumni records containing information after the student is no longer in attendance that does not relate to the person as a student.

Students may inspect and review their educational records upon written request to the Registrar or appropriate records custodian. Arrangements for access will be made as promptly as possible, but no longer

than 45 days from the date of receipt of the request. The College has the right to refuse a student access to their records under the following circumstances: the student has an unpaid financial obligation to any College office or department, the student owes overdue materials or equipment to the Library or other College office or department, there is an unresolved disciplinary action against the student, or the educational records requested is an exam or set of standardized test questions.

The College reserves the right to release a student's educational records without their written consent to college officials who have a legitimate educational interest in the records, including the parents of an eligible student who is claimed as dependent for income tax purposes. At the discretion of the College, information regarding student abuse of alcohol or drugs not prescribed by a physician may be reported to the parents of students 21 years of age or younger. Information considered "directory" may be released to other members of the College community without the student's prior written consent unless the student notifies the College in writing by the end of the first week of classes of the semester.

The College's complete FERPA policy is available from the Office of Advising, Records and Registration Services.

## Public Safety

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### Missing Student Policy

#### Missing Student Notification Policy and Procedure

This policy is established by Ringling College of Art and Design in compliance with the Higher Education Opportunity Act of 2008 and applies to all students at the college.

For the purposes of this policy a student may be considered to be a "missing person" if the person's absence from campus is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the person may be a victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life threatening situation, has been with persons who may endanger the student's welfare, or is overdue to return to campus and is unheard from after giving a specific return time to friends or family.

#### ***Designation of emergency contact information***

- a. During the college's registration process, all students are asked to designate an individual for emergency contact purposes. That designation will remain in effect until changed or revoked by the student.
- b. Students under the age of 18  
If a student under the age of 18 is determined to be missing, the college is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing. The Vice President of Student Life and Dean of Students, in consultation with the Director of Public Safety, will determine if a student is to be considered missing based on the reasonable provision of concerning information and evidence.
- c. All Students  
If a student is determined to be missing, the college will notify the appropriate law enforcement agency not later than 24 hours after the determination has been made by the Vice President for Student Life and Dean of Students.

#### ***Missing Student Procedure***

- a. Any individual on campus who has information that a student may be a missing person must notify the Office of Public Safety and/or the Office of Student Life immediately.
- b. The Office of Public Safety, with the assistance of the Office of Student Life, will gather all essential information about the students from the reporting person, from the student's acquaintances and from official college information sources. Such information will include description, cellular phone number,

clothes last worn, where the student might be, who the student might be with, vehicle description, information about the physical and emotional well being of the student, an up to date photograph, a class schedule, etc.

- c. Appropriate Student Life staff and other personnel across campus will be notified to aid in the search and location of the student. Contact with the student will be attempted using text messaging, cellular phone calls, Facebook, and e-mail.
- d. If search efforts are unsuccessful in locating the student in a reasonable amount of time as determined by the Vice President for Student Life and Dean of Students in consultation with the Director of Public Safety OR it is apparent immediately that the student is a missing person (e.g. witnessed abduction), OR it has been determined that the student has been missing for more than 24 hours, the Office of Public Safety will contact the appropriate law enforcement agency to report the student as a missing person. Law enforcement will take charge of the investigation with assistance from college officials.
- e. No later than 24 hours after determining that a student is missing, the Vice President for Student Life and Dean of Students or an Associate Dean of Students will notify the emergency contact previously identified by the student (for students 18 and over) or the custodial parent/guardian (for students under the age of 18) and advise that the student is believed to be missing.

### **Communications about missing students**

- a. In accordance with established college emergency guidelines procedures, the Director of Media Relations and Special Assistant to the President will be part of the college administrative response team and is the designated spokesperson to handle media inquiries concerning a missing student.
- b. The local law enforcement agency in charge of the investigation and the city public information officer (PIO) will be consulted by the Director of Media Relations/Special Assistant to the President prior to any information release from the college so as not to jeopardize any investigation.
- c. Information provided to the media to elicit public assistance in the search for the missing person will be handled by the local law enforcement agency.

## 2023 Annual Security and Fire Safety Report

***This information is provided in compliance with federal law, known as the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. It contains the required crime and fire statistics for the calendar years 2020, 2021, 2022 and the policies and procedures for the academic year 2023-2024.***

### Introduction

TO THE RINGLING COLLEGE OF ART AND DESIGN COMMUNITY:

Thank you for taking time to review our Annual Security and Fire Safety Report. This report is published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Higher Education Opportunity Act of 2008, and the 2013 Reauthorization of the Violence Against Women Act (VAWA). This report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by Ringling College, and on public property within or immediately adjacent to the campus. This report also includes fire safety policies and statistics along with emergency notification procedures.

Ringling College is nestled on over 53 acres in the city of Sarasota, FL. This location allows for easy access to many area attractions including beaches, fabulous local eateries and many historic landmarks. This provides a wonderful opportunity for our students to explore the best of Florida's Suncoast.

The Ringling College Office of Public Safety promotes a culture of safety by providing assorted safety trainings throughout the year to the whole community. The department also encourages everyone to be mindful of their surroundings and to report any suspicious and criminal activity through one of the various reporting methods listed.

The Ringling College Office of Public Safety continually strives for excellence in the execution and delivery of our public safety services to provide all members of the Ringling College community a safe environment to

live, work and most importantly learn. On behalf of the Ringling College Office of Public Safety I wish everyone a wonderful time while at the College.

Sincerely,

James T. Gilman  
Director of Public Safety

## Background

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law that requires all colleges and universities to annually disclose information about crime on and around their campuses. The act is named in memory of Jeanne Clery, a 19-year-old Lehigh College first-year student who was assaulted and murdered in her residence hall room on April 5, 1986. The Annual Security & Fire Safety Report is prepared to meet the requirements of the Clery Act and provide pertinent safety information and resources to the greater College community. College representatives from numerous departments collaborate in preparing the ASR including the Office of Public Safety and Dean of Students Office. This annual report includes those current College policies and procedures identified by the Clery Act, which demonstrate the safety and security of community members at the College. The statistics reported represent the three most recent reporting periods, calendar years 2020, 2021, and 2022. Also included is the Fire Safety Report for 2020, 2021, and 2022. Safety on the College campus is a natural source of concern for parents, students, and College employees. Education, the business of the College, can take place only in an environment in which each student and employee feels safe and secure. The Ringling College of Art and Design recognizes this and employs a number of security measures to protect the members of this community.

## Office of Public Safety

The mission of the Ringling College of Art and Design Office of Public Safety, is to provide the entire campus community with a safe and harmonious atmosphere in which to learn, live and grow. The Office of Public Safety accomplishes this through robust community engagement, effective communication, campus wide partnerships, professionalism, pride and unmatched ethics and integrity.

The Ringling College Department of Public Safety remains steadfast in its core values of community engagement, ethics, integrity, professionalism, diversity, respect and service to the community to accomplish its mission while remaining mindful of the ever-changing needs of the community.

## Office of Public Safety Overview and Department: Authority

Ringling College Office of Public Safety is located on the first level of the Kimbrough Building and provides protection and service to the College community by foot, motorized carts, and vehicular patrol 24 hours a day, 365 days a year. Public Safety is composed of a Director, Assistant Director/Technology Specialist, and public safety and communications officers. They are charged with the responsibility of making sure federal, state, and local laws, as well as College policies and procedures are obeyed. Officers respond to emergencies and calls for general assistance; respond to fire and burglar alarms; lock and unlock campus facilities according to schedules; monitor campus activities; and coordinate response efforts in the event of an incident or emergency.

The Public Safety Office works directly with various campus offices to address security and safety concerns associated with lighting, landscaping, environmental safety, and life safety issues. Once a concern is noted, the Office of Public Safety forwards the information to the appropriate department for corrective action.

Ringling College is located in an urban environment and the Office of Public Safety constantly considers a variety of safety initiatives in new construction or renovation planning. Initiatives may include, but not be limited to, lighting, video surveillance, electronic access control, and crime prevention through environmental design techniques to provide the highest level of safety for our students, faculty, and staff.

Public Safety Officers are not commissioned law enforcement officials and do not possess the authority to

make arrests. The jurisdiction of Public Safety Officers is limited to properties owned or controlled by the College. Public Safety Officers receive training in first aid, CPR/AED, and fire safety. Criminal background checks are conducted on all officers as well as pre-employment education level verification, previous employment history, and motor vehicle verification checks.

The Office of Public Safety does not have any written “memorandum of understanding” (MOU) agreements with local and state law enforcement agencies for response or investigation of crimes but maintains strong working relationships with the Sarasota Police Department, the Sarasota County Fire Department, and other state and regional law enforcement/emergency services providers.

Ringling College of Art and Design occasionally contracts with the Sarasota Police Department to provide commissioned armed law enforcement officers to patrol the campus or to staff special events. Additionally, the College on occasion will contract with an outside security vendor to provide supplemental security coverage.

## Reporting Crimes and Emergencies Promptly

To help provide a safe and secure environment, all members of the Ringling College community, including campus visitors, are expected, requested, and encouraged to accurately and promptly report all crimes, emergencies, and public safety related incidents to the Office of Public Safety or the appropriate police agency. Reporting is strongly encouraged, even if the victim of a crime elects to, or is unable to (due to physical and mental incapacitation), make such a report. Reporting may be accomplished by contacting Public Safety directly at 941-359-7500 or in person at the Kimbrough Building (Communications Center). If there is an actual emergency requiring police, fire or medical response, please call 9-1-1 from a campus phone. In addition, blue light assistance towers and red emergency phones are located on campus. These phones automatically ring to the Public Safety Communications Center. By promptly reporting all criminal offenses described in the law, it will ensure inclusion in the annual crime statistics and will aid in providing timely warning notices to the community, when appropriate.

### **Crimes can be reported to the following department on campus:**

- Office of Public Safety, Verman Kimbrough Building, First Floor 2700  
North Tamiami Trail  
941-359-7500

If you are a victim of sexual violence, domestic violence, dating violence, or stalking, you are encouraged to report the incident to the Title IX Coordinators:

- Title IX Coordinator  
Dr. Tracy A. Wagner, Executive Vice President  
Office Location: Keating Center, First Floor  
941-309-4376 [twagner@ringling.edu](mailto:twagner@ringling.edu)
- Deputy Title IX Coordinator (Faculty and Staff)  
Darren Mathews, Assistant Vice President and Director of Human Resources  
Office Location: Verman Kimbrough Building, First Floor  
941-359-7619 [dmathews@ringling.edu](mailto:dmathews@ringling.edu)
- Deputy Title IX Coordinator (Students)  
Dr. Tammy S. Walsh, Vice President for Student Life and Dean of Students  
Office location: Ulla Searing Student Center, Second Floor  
941-359-7510 [twalsh@ringling.edu](mailto:twalsh@ringling.edu)
- Deputy Title IX Coordinator (Students)  
Jekeyma Robinson – Associate Dean of Students  
Office location: Ulla Searing Student Center, Second Floor  
941-309-4375 [jrobinso@ringling.edu](mailto:jrobinso@ringling.edu)

If you are not comfortable reporting a crime to Public Safety, you are encouraged to make a report to the following Campus Security Authorities:

- Vice President for Student Life and Dean of Students, Ulla Searing Student Center, Second Floor 941-359-7510
- Associate Dean of Student for Student Development, Ulla Searing Student Center, Second Floor 941-309-4375
- Office of Housing and Residence Life, Goldstein Residence Hall, 941-309-4411
- Office of Student Life, Ulla Searing Hall, Second Floor 941-309-4016

Public Safety Communications Officers are available 24 hours per day at 941-359-7500 to answer your call. If you are unsure what you have witnessed or experienced is a crime, please contact the Office of Public Safety and we will assist you with your situation. In response to a call, Communications Officers will take the required action, either dispatching an officer to your location, asking you to come to our office, or assisting you in contacting another agency such as the Sarasota Police Department. Response time may be affected by various factors, such as the number and location of available personnel and/or their involvement at the time a report is received. Response to an incident may also involve other personnel, such as Office of Housing and Residence Life staff in an incident of a drug violation in a residential hall, members from the Counseling Center in the case of a sexual assault, and/or an outside police agency or other agencies if an incident requires specialized abilities beyond the capabilities of Public Safety. To contact Sarasota Police Department, who have law enforcement jurisdiction covering the Ringling campus, please dial 9-1-1.

Criminal and policy violation reports involving students are reviewed by the Office of Student Life for potential conduct action. If assistance is required from the Sarasota Police Department or the Sarasota County Fire Department, a Public Safety Officer will contact the appropriate unit.

### Important Resources

Resource	Phone Number
Office of Public Safety	941-359-7500 (emergency) 941-309-4121 (non-emergency)
Security Escorts	941-309-4121
Residence Life	941-309-4411
Student Life	941-359-7505
Title IX	Coordinator: 941-309-4376 Faculty/Staff: 941-359-7619 Students: 941-359-7510 and 941-309-4375
Student Health Center	941-309-4000
Peterson Counseling Center	941-893-2855
Human Resources	941-359-7619
EAP Program	1-855-365-4754
Facilities Operations	941-359-7635
Institutional Technology	941-359-7633

### Emergency Phones On-Campus

Blue light assistance towers are located on-campus in parking lots and along walkways. The blue light assistance towers include phones which provide a 24-hour direct phone link to the Public Safety Center. Each tower has two activation buttons: one for "information" and one for "emergency." When the blue light assistance tower is activated by using the "emergency" button, the constantly burning blue light at the top of the tower flashes. A security camera is focused on each blue light assistance tower, enabling the Communications Officer on duty to see the caller while talking to the individual on the phone. These blue lights assistance towers are not restricted to emergency situations and may be used for non-emergency purposes.

Most classrooms and other areas have red emergency phones that also dial directly to the Public Safety Communications Center. Both of these devices can also be used to access Security Escorts.

#### How to Activate the Blue Light Assistance Towers

- Step 1: Push either the Emergency or Information Button.
- Step 2: A call is immediately placed to the Office of Public Safety.
- Step 3: Speak clearly.
- Step 4: State your emergency or question to the Communications Officer.
- Step 5: Follow the Communications Officer's instructions.

When speaking to the Public Safety Communications Officer, speak in a calm and clear manner while providing as much detail as possible related to the emergency or your non-emergency request. The Public Safety Communications Officer will send Public Safety personnel and/or other emergency responders to your location based on the information you provide.

If you are in immediate danger, or are being followed, activate the nearest blue light assistance tower and if necessary, keep moving activating additional blue light assistance towers as you proceed to a safe location to call 941-359-7500. A security camera is trained on each of the blue light assistance towers so that the Public Safety Communications Officer on duty will have a visual as well as verbal contact with the user. The location of each blue light assistance tower is also recorded once a button is activated.

The Office of Public Safety tests the blue light assistance towers on a regular basis to assure operational compliance. Anyone experiencing a problem regarding the condition and/or use of the blue light assistance towers should contact the Public Safety Communications Center immediately by calling 941-309-4121.

#### **Contacting Student Life, Housing and Residence Life, Student Health and Counseling Center Staff**

Student Life, Housing and Residence Life, Student Health Center, and Peterson Counseling Center staff members are always available to students. Student Life/Housing and Residence Life have a professional on-call staff person available 24 hours a day. The Peterson Counseling Center also maintains a crisis counselor available 24 hours per day by phone and during College business hours.

- The Student Health Center (SHC), located at 2712 Old Bradenton Road, is open Monday through Friday from 8:30am-4:30pm.
- Student Life/Housing and Residence Life has a professional staff member available 24 hours per day. During College business hours of 8:30 a.m. – 4:30 p.m., call 941-309-4411 or 941-359-7509. Outside of business hours, call Public Safety at 941-309-4121.

## Security Awareness and Crime Prevention

The Ringling College of Art and Design Office of Public Safety encourages everyone to be aware of their environment, stay alert, report suspicious activities, take precautions, and report all crimes/incidents. By being proactive, you can play an important role in not only protecting yourself, but also helping others to be safe. With your help, the Office of Public Safety can provide a safe educational environment in which the College community members can excel.

Periodically during the academic year, the Office of Public Safety, in cooperation with other College organizations and offices, will present crime prevention awareness sessions on topics such as active assailant, frauds and scams targeted at college students, residence hall security, sexual assault, stalking, theft prevention, etc.

The programs outlined below if practiced could possibly reduce the odds of you falling victim to a crime. Take a moment to review the programs so you will be better prepared to stay safe.

During new student orientation and throughout the year, students are informed about a variety of services offered by the Office of Public Safety. Crime prevention programs are offered on a continual basis. Additional

safety tips are available on the [Public Safety webpage](#).

### **Security Escort Service**

The Office of Public Safety is available to provide safety escorts to all Ringling College of Art and Design students, faculty, and staff during the hours of darkness upon request.

The Security Escort Service is provided for the purpose of safety and security to all locations within the Office of Public Safety patrol area. The primary goal of the security escort service is to allow safe travel from one location to another with a greater sense of security.

Call 941-309-4121 to arrange for the escort or request additional information.

In the event of an emergency, call 941-359-7500.

### **Identification Cards**

Faculty, and staff are issued identification cards for the purpose of entering campus buildings and events, as well as to access applicable residential space. It is the responsibility of the ID card holder to report any ID card that fails to operate correctly, is lost and/or stolen, immediately to the Residential Life Office or the Office of Public Safety.

In September 2020, the College implemented a policy requiring all students, faculty, and staff to visibly display their College ID card while on campus.

### **Campus Housing**

Ringling College provides on-campus housing in our residence halls, which include: Goldstein Hall, the fourth and fifth floors of the Ulla Searing Student Center, the second and third floors of the Keating Center, Bayou Village Apartments, Quad Apartments, the Cove Housing Complex, Bridge Apartments, Greensboro Hall, Family Housing Complex and a number of single-family type houses located on the perimeter of the campus. Students are assigned on-campus housing based on a lottery system. All on-campus residential students have the opportunity to request changes in room assignments, which are accommodated on a space-available basis. Ringling College does not provide supervision for off-campus housing.

Resident Assistants, who live in the residence halls, apartments, and houses, are upper-division students who have undergone an extensive selection and training process and are available 24 hours a day to assist students. Resident Assistants are student employees of the Office of Housing and Residence Life. There are also professional Student Life staff and Counselors on-call 24 hours a day for student support and crisis/incident response.

In addition, Public Safety Officers patrol the inside, commons areas of all residence halls and the parking lots and exteriors areas of all apartments and other campus housing. Unauthorized persons are not allowed in those areas and all non-student visitors must be accompanied by a resident student at all times.

### **Video Security (CCTV System)**

The Office of Public Safety strategically deploys a state-of-the-art video security system to record interior and exterior public space areas of the campus. The system provides a deterrent to criminal activity and provides valuable information for investigative purposes. The system is recorded 24 hours a day seven days a week.

## **Access/Maintenance Considerations for Campus Facilities and Residence Halls**

All College buildings and residence halls are the private property of the Ringling College of Art and Design. Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and visitors. The College encourages an open environment with limited constraints to ensure reasonable protection of all members of the community. Any unauthorized person entering a College building without specific business

and permission of the College or a representative of the College is considered to be trespassing. After-hour access to College buildings is determined by the needs of each appropriate department. Once a building has been secured for the evening, only authorized individuals are permitted to enter.

The academic and administrative buildings are open, at a minimum, during normal business hours (not to include holidays). Most facilities have individual hours, and the hours may vary at different times of the year. Access to some of these buildings is controlled by electronic access control after normal business hours (typically 6:30 pm until 7:30 am), and all of these buildings have varied levels of access. Most academic and administrative buildings do not have a Public Safety Officer assigned to them. However, officers patrol the buildings on a regular basis. For information about the access protocol for a specific building, contact Public Safety at 941-309-4121.

## **Access Control**

All residential facilities, Family Housing, and near campus houses, are equipped with an electronic access control system on the exterior doors or elevators that are used by students to enter the building. Guests and other visitors may visit residence halls as long as they have been authorized by a member of the community. For security purposes, exterior doors, or elevators to residence halls with centralized exterior entrances remain locked 24-hours-a-day and are accessible via individually numbered key fobs or ID cards that can be activated and deactivated as needed. Students are issued keys or access control cards for their rooms inside the residence halls. Access to residence halls is limited to students and their authorized visitors. Residents of all campus owned apartments and houses are issued two keys, one to the exterior door(s) and one to each student's individual bedroom. Strict key and fob control procedures are enforced to ensure maximum student safety in the residence halls. Key control for housing is handled by the Office of Housing and Residence Life.

Ringling is committed to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. Members of Facilities and Public Safety periodically conduct security surveys to ensure campus lighting is adequate and the landscape appropriately controlled. Officers conduct routine checks of lighting on campus during regular assigned patrol duties. If they observe lights are out or very dim they will initiate a service request for Facilities to repair the problem. We encourage community members to report any deficiency in lighting to Facilities at 941-359-7635 or Public Safety at 941-309-4121. Facilities personnel are also available to respond to calls for service regarding unsafe facility conditions. These conditions may include unsafe steps and handrails, unsafe roadways on campus, and unsecured equipment, etc. Public Safety officers, on a scheduled basis, check the College's blue light assistance towers and red emergency phones, fire extinguishers, sprinkler valves, panic alarms, CCTV systems, AED's etc., and document their findings by completing a work order for any problems they find while checking the equipment. Security procedures used in the maintenance of residential facilities involve coordination between the Housing and Residence Life and Facilities offices. In times of emergency, members of Facilities have permission to enter rooms to make the necessary repairs. Private vendors conducting maintenance work in residential facilities are not allowed access to residence halls without permission from the Facilities office in coordination with Housing and Residence Life.

## **Annual Safety & Security Report**

Ringling College of Art and Design, in compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and The College and University Security Act of 1988, reports crime statistics annually to its current and prospective students and employees. The report contains statistics for the previous three years pertaining to reported crimes that have occurred on-campus; in certain non-campus buildings or property that is owned or controlled by the College; and on public property within, or immediately adjacent to and accessible from the campus.

### **Crime Statistics**

The crime statistics are prepared based on information/incidents reported by the campus community, crime reports from the Sarasota Police Department, and student conduct records.

Crimes are reported in the following major categories, with several subcategories as follows.

- Criminal Homicide broken down by:
  - a. Murder and Non-negligent Manslaughter
  - b. Manslaughter by Negligence
- Sexual Assaults broken down by:
  - a. Rape
  - b. Fondling
  - c. Incest
  - d. Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Dating Violence
- Stalking
- Domestic Violence

The Ringling College of Art and Design Office of Public Safety is required to report the following three types of incidents if they result in either an arrest or disciplinary referral:

- Liquor Law Violations
- Drug Law Violations
- Illegal Weapons Possession

If both an arrest and referral are made only the arrest is counted.

## Definition of Criminal Offenses

### Criminal Homicide:

- **Murder and Non-Negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter** is defined as the killing of another person through gross negligence.

### Sex Offenses:

- **Forcible** is defined as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Forcible sexual acts include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.
- **Non-forcible** are incidents of unlawful, non-forcible sexual intercourse. Non-forcible sexual acts include incest and statutory rape.

**Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary** is the unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle.

**Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Dating Violence** means violence committed by a person who is or has been in a social relationship of

romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship

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

**Domestic Violence** means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person is cohabitating with or had cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving the grant monies (under VAWA) or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Criminal Offenses by Bias** includes, by geographic location and by category of prejudice, any of the aforementioned offenses, and any other crime involving bodily injury reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the perpetrator's bias.

### **Arrests or Disciplinary Referrals for Illegal Weapons Possession, Liquor Law and Drug/Substance Law Violations**

In addition to disclosing statistics for the aforementioned offenses, the Clery Act requires institutions to disclose both the number of arrests and the number of persons referred for disciplinary action for Illegal weapons possession; drug law violations; and liquor law violations.

**Note:** Officers of Ringling College of Art and Design Office of Public Safety do not have the authority to make an arrest. The Sarasota Police Department may make an arrest depending on the severity of an incident. Arrests may be reported to the Office of Public Safety if the arresting authority determines that the individual is a Ringling College student. In most cases, individuals found in violation of illegal weapons possession, liquor law violations and minor drug violations involving small quantities are referred to the Office of Student Life for formal disciplinary action.

The statistics are broken down geographically as follows:

### **Reportable Geographical Locations**

The **Clery Act** requires Ringling College of Art and Design to disclose statistics for offenses committed in certain specific geographic locations. The specific locations are defined as follows:

**On Campus** - Any building or property owned or controlled by the College within the same reasonably contiguous geographic area and used by Ringling College of Art and Design in direct support of, or in a manner related to, Ringling College of Art and Design educational purposes, including residence halls; and

Any Building or property that is within or reasonably contiguous to on-campus property of this definition, that is owned by the College but controlled by another person, is frequently used by students, and supports College purposes (such as food or other retail vendor).

**Residence Halls** – (considered a subset of the “on-campus” category). The number of crimes reported for residence halls or other residential facilities must be less than or equal to the number of reported crimes for the on-campus category.

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

**On Public Property** - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus. This includes the sidewalk across the street, but does not include property beyond the sidewalk.

### **Campus Patrol Area**

The current Public Safety patrol area approximately includes:

East of North Tamiami Trail to the banks of Whitaker Bayou from 22nd St. to 32nd Street along North Tamiami Trail, then south of Patterson Drive and 31st Street.

East of Whitaker Bayou in the vicinity of Bridge Apartments and the Soundstages and Post Production Facilities.

## **Emergency Notification**

College community members are encouraged to notify the Office of Public Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate threat to the health and safety of students and/or employees on campus. The Office of Public Safety has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, Public Safety has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community, however other offices such as Facilities, Student Health, etc., may be involved in the confirmation process, depending on the nature of the potential threat. If an immediate threat exists, an institution must follow its emergency notification procedures but is not required to issue a timely warning based on the same circumstances; however, the institution is required to provide adequate follow-up information to the community as needed. If Public Safety, in conjunction with other campus officials (Facilities, Student Health Center, Student Life, etc.) or local first responders (Sarasota Police Department, Sarasota County Fire Department, etc.) confirm there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of our community, Public Safety and/or designees, will collaborate, if needed, to determine the content of the message and they will initiate some or all of the systems listed below to communicate the threat to the College community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population:

- Text messaging
- Phone messaging
- Telephone tree communications
- Campus wide email messages
- Facebook
- Twitter
- Paper fliers and bulletin board posting
- Person-to-person communication, using personnel from Student Life, Housing and Residence Life and Public Safety
- Website postings
- Two-way radio systems.

## **Access to Timely Information - "Timely Warnings"**

In an effort to provide timely notice to the Ringling community, and in event of a crime which may pose a serious or on-going threat to our community, the Office of Public Safety will issue "Timely Warning" crime bulletins to notify members of the community about serious crimes that occur on College designated property (on campus, non-campus, and public property). The Timely Warning requirement applies to Clery Act crimes, and all require a case-by-case assessment as to whether the report presents a serious or continuing threat to the campus community. Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: murder/non-negligent manslaughter, major incidents of arson, robbery, and sex offenses. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the Office of Public Safety. For example, if an assault occurs between two

students who have a disagreement, there may be no on-going threat to other College community members and a Timely Warning Notice would not be distributed. In cases involving sexual assault, they may be reported days, weeks, months or even years after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the Office of Public Safety. Cases involving property crimes will be assessed on a case-by-case basis and alerts will typically be sent if there is a discernible pattern of crime.

The Public Safety Director or Assistant Public Safety Director reviews all reports to determine if there is an on-going threat to the community and if the distribution of a timely warning is warranted. Timely Warning Notices may also be posted for other crime classifications and locations, as deemed necessary. Public Safety works to collect this information by requesting all campus security authorities (CSA's) and local law enforcement agencies to report crimes in a timely fashion so a Timely Warning can be issued if necessary.

The Public Safety Director or Assistant Public Safety Director will typically draft the Timely Warning. They will review and revise the text as needed then transmit the email containing the Warning to the College community as a blast email. Members of the Communications Office and Senior Leadership may assist with the Timely Warning if needed. Updates to the College community about any particular case resulting in a Timely Warning may also be distributed electronically via blast email or posted on the College website. Public Safety may also use additional methods to distribute the Timely Warning, including using the Campus Emergency Alert System, postings in residence halls, and sending messages to department phones.

It should be noted that an institution is not required to provide a Timely Warning with respect to crimes reported to a pastoral or professional counselor. Additionally, all Timely Warnings will be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

Warnings will include the crime or incident, location, description of the perpetrators, time and date of occurrence, and any other information deemed necessary.

Anyone with information warranting a Timely Warning should report the incident to the Office of Public Safety by phone at 941-359-7500, or in person at the Public Safety Office in the Kimbrough Building.

The College's comprehensive Campus Emergency Preparedness and Response Plan includes information about the management of emergency response and operations, emergency operations center (EOC), and communication responsibilities, including the use of electronic and cellular communication. College offices are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The College conducts announced and/or unannounced emergency response drills and exercises each year, such as tabletop exercises, functional exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

Several members of the Office of Public Safety have received training in Incident Command Systems (ICS) and response to critical incidents on a college campus. When a serious incident occurs or emergency exists that causes an immediate threat to the health or safety of students and employees on campus, the first responders to the scene are usually the Office of Public Safety, Sarasota Police Department and/or the Sarasota County Fire Department, when their assistance is necessary. These agencies typically respond and work together to manage the incident. Depending on the nature of the incident, other College offices and local or federal agencies could also be involved in responding to the incident.

## Evacuation & Shelter in Place

The institution has general evacuation guidelines, in the event that a segment of the campus needs to be evacuated. The plan would be affected by a myriad of factors, including the type of threat, the occupancy of the other buildings and areas of the campus at the time of the incident, etc. Therefore, specific information about a multi-building or area evacuation cannot be shared with the campus community in advance. Ringling expects members of the community to follow the instructions of first responders on the scene, as this type of evacuation would be coordinated on-site.

In some emergencies, you may be instructed to “shelter-in-place”. If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors. To “shelter-in- place” means to make a shelter of the building that you are in until it is safe to go outside. This means that if an incident occurs and the building you are in is not damaged; stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, access cards, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest College building quickly. If police or firedepartment personnel are on the scene, follow their directions.

### **Shelter in Place**

Depending on the circumstances, when the College issues a campus alert calling for a shelter in place, you should:

- Move into or stay inside the nearest building.
- Go into an interior room or office with few windows, if possible.
- Turn off all lights.
- If possible, close and cover all windows and lock doors and turn off ventilation systems (including air conditioning and heat, bathroom, and kitchen exhaust fans).
- If the door has a window, cover it.
- Then, stay away from windows and doors.
- Put cell phones and other electronic devices in silent mode.
- Remain in place until notified by proper College administration officials, Public Safety Officer, or any responding police or fire department personnel.

### **Evacuation**

There may be situations when there is a dangerous condition inside a specific building, and you need to evacuate quickly to ensure your safety. If notified to evacuate, please do so in an orderly fashion, move to a safe area away from the evacuated building, and alert others in your area if possible. In situations when you are ordered to leave an area, be sure to take necessary items such as medications, keys, glasses, and wallets. You may not be able to return to your residence hall, office, or classroom for some time. It is best to be prepared, just in case. Call 941- 309-4121 to arrange for the Security escorts or request additional information. In the event of an emergency, call 941-359-7500.

## **Missing Student Policy**

This policy is established by Ringling College of Art and Design in compliance with the Higher Education Opportunity Act of 2008 and applies to all resident students at the College. For the purposes of this policy a student may be considered to be a “Missing Person” if the person’s absence from campus is contrary to his/ her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the person may be a victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, has been with persons who may endanger the student’s welfare, or is overdue to return to campus and is unheard from after giving a specific return time to friends or family.

### **Designation of Emergency Contact Information**

- a. During the College’s registration process, all students are asked to designate an individual for emergency contact purposes. That designation will remain in effect until changed or revoked by the student. In addition to registering an emergency contact, students residing in on campus housing have the option to identify confidentially an individual to be contacted by the College in the event the student is determined to be missing more than 24 hours. Students who wish to identify a confidential contact can do so by contacting Housing and Residence Life. A student’s missing person contact information will be registered confidentially and will be accessible only by authorized campus officials and law enforcement in the case of a missing person investigation.

- b. **Students under the age of 18.** If a student under the age of 18 is determined to be missing, the College is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing. The Vice President of Student Life and Dean of Students, in consultation with the Director of Public Safety, will determine if a student is to be considered missing based on the reasonable provision of concerning information and evidence.
- c. **All Resident Students.** If a student is determined to be missing the College will notify the appropriate law enforcement agency not later than 24 hours after the determination has been made by the Vice President for Student Life and Dean of Students.

### Missing Student Procedure

- a. Any individual on campus who has information that a student may be a missing person must notify the Office of Public Safety and/or the Office of Student Life immediately.
- b. The Office of Public Safety, with the assistance of the Office of Student Life, will gather all essential information about the student from the reporting person, from the student's acquaintances and from official College information sources. Such information will include description, cellular phone number, clothes last worn, where the student might be, who the student might be with, vehicle description, information about the physical and emotional wellbeing of the student, an up-to-date photograph, a class schedule, etc.
- c. Appropriate Student Life staff and other personnel across campus will be notified to aid in the search and location of the student. Contact with the student will be attempted using text messaging, cellular phone calls, Facebook, and e-mail.
- d. If search efforts are unsuccessful in locating the student in a reasonable amount of time as determined by the Vice President for Student Life and Dean of Students in consultation with the Director of Public Safety OR it is apparent immediately that the student is a missing person (e.g. witnessed abduction), OR it has been determined that the student has been missing for more than 24 hours, the Office of Public Safety will contact the appropriate law enforcement agency to report the student as a missing person. Law enforcement will take charge of the investigation with assistance from College officials.

No later than 24 hours after determining that a student is missing, the Vice President for Student Life and Dean of Students or an Associate Dean of Students will notify the emergency contact previously identified by the student (for students 18 and over) or the custodial parent/guardian (for students under the age of 18) and advise that the student is believed to be missing.

### Communications about Missing Students

- a. In accordance with established College emergency guidelines and procedures, the Campus Media and Community Relations designee will be part of the College administrative response team and is the designated spokesperson to handle media inquiries concerning a missing student.
- b. The local law enforcement agency in charge of the investigation and the city public information officer (PIO) will be consulted by the Director of Marketing and Communications prior to any information release from the College so as not to jeopardize any investigation.
- c. Information provided to the media to elicit public assistance in the search for the missing person will be handled by the local law enforcement agency

Any questions regarding the Missing Student Policy should be directed to the Director of Public Safety at 941-351-4742.

### Crime & Fire Log

Public Safety maintains a daily crime and fire log that records, by the date the incident was reported, all crimes, and fires reported in residential halls, and other serious incidents that occur on campus, on or in a non-campus building or property, on public property, or within the patrol jurisdiction of the department. The Daily Crime & Fire Log is open for public inspection and available at the Office of Public Safety in Kimbrough Building during normal business hours. Our process for maintaining and posting the daily crime log complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (as amended in

October 1998).

The crime and fire log include:

- The date and time the crime was reported, the date and time the crime occurred, its nature, the general location where it occurred, and the disposition of the complaint, if the disposition is known at the time the log is created.
- The date and time the fire was reported, the date and time the fire occurred, its nature, and its general location in residential halls. (Please note the fire log only applies to fires that occur in on campus residential halls only).

The Office of Public Safety posts specific incidents in the crime and fire log within two business days of receiving a report of an incident. We reserve the right to exclude crime report information from the log under these circumstances:

- If posting the information jeopardizes an on-going investigation;
- If posting the information would cause a suspect to flee or evade detection;
- If posting the information could result in the destruction of evidence relating to the crime; or,
- If posting the information jeopardizes the safety of an individual.

Once these factors are no longer present, and/or there is no longer a chance that posting the information would adversely affect an on-going investigation, we will post the information.

We make available the most recent 60 days of crime and fire logs. If you wish to view logs older than the most recent 60 days, please contact Public Safety at 941-309-4121. No crime log information will directly or indirectly identify a victim or a witness.

## Alcohol and Drug Policy

Ringling College considers the abuse of drugs or alcohol by its faculty, staff, and students to be unsafe and counterproductive to the educational process and the work environment. It is Ringling College's policy that the illegal possession, use, consumption, sale, purchase, or distribution of alcohol, illegal drugs, or illegally possessed drugs by any employee, while in the workplace, on campus, or in the conduct of Ringling College-related work off campus, is strictly prohibited.

For purposes of this policy, campus is defined as any area used for work, recreation, residence hall or parking purposes, including sidewalks and exterior areas. Alcohol is not permitted on campus, in any Ringling College residence hall except in private units in the Bayou Village Apartments, the Cove Apartments, the Roy and Susan Quadrangle, Family Housing, and student houses for those who are of the legal drinking age in Florida, subject to all federal, state, and local laws, and the guidelines which have been established by the College (see "Guidelines for Legal Use of Alcohol in Private Student Residences" in the Student Handbook.)

This policy is not designed to interfere with the appropriate use of prescription drugs. Employees should notify their supervisors if the proper use of prescribed medication will affect work or academic performance. Abuse of prescription drugs will be treated as a violation of this policy.

### **Disciplinary Actions to Prevent Drug Abuse**

Penalties or sanctions will be imposed by the College in accordance with procedures for disciplinary actions against employees and students as found in the Student Handbook, the Staff Handbook, the Faculty Handbook, and other applicable documents. Sanctions and penalties may range from referral to rehabilitation programs, written warnings with probationary status, to dismissal from academic programs and termination of employment.

### **Distribution and Review of Policy**

A copy of this policy will be given annually to each employee and to all new employees at the start of employment. Each student registered during an academic year in any degree program will receive a copy of this policy.

The President will ensure that a biennial review of this policy will be conducted to determine its effectiveness and to implement any necessary changes.

### **Legal Sanctions**

In addition to the disciplinary sanctions Ringling College imposes for violations of this policy, employees and students are subject to state and/or Federal sanctions. Employees who work off-site are subject to the appropriate state and/or local sanctions for their work location.

Florida 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**

Illicit drugs and the health risks involved in using them include, but are not necessarily limited to:

#### **A. Cannabis (Marijuana)**

Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Marijuana can also produce paranoia and psychosis.

#### **B. Inhalants (Gases or Volatile Liquids)**

Immediate negative effects may include nausea, sneezing, coughing, nose bleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays may also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long term use may result in hepatitis or brain damage.

#### **C. Cocaine**

Use causes the immediate effects of dilated pupils, elevated blood pressure, increased heart rate, and elevated body temperature. Chronic use can cause ulceration of the mucous membrane in the nose and produce psychological dependency. Crack or freebase rock, a concentrated form of cocaine, produces effects within ten seconds of administration. In addition to the above, additional effects include loss of appetite, tactile hallucinations, paranoia, and seizures. Cocaine in any form may lead to death through disruption of the brain's control of heart and respiration.

#### **D. Other Stimulants**

These include amphetamines and methamphetamines. Users may perspire, experience headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause physical collapse, very high fever, stroke, or heart failure.

**E. Depressants**

Included are barbiturates, methaqualone, and tranquilizers. Effects can cause slurred speech, staggering gait, and altered perception. Very large doses can cause respiratory depression, coma, and death. The combination of depressants and alcohol can be devastating. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs. Some show birth defects and/or behavioral problems.

**F. Hallucinogens**

Effects of hallucinogens vary depending upon the type of drug. Chronic users may experience mood disorders, paranoia, violent behavior, hallucinations, panic, confusion, loss of control, and death.

**G. Narcotics (including heroin)**

Overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and death.

Tolerance to narcotics develops rapidly, and dependence is likely. Addiction in pregnant women can lead to premature, stillborn, or addicted infants.

**H. Designer Drugs**

These drugs have had their molecular structure changed chemically to produce analogs such as synthetic heroin and hallucinogens. These analogs can be hundreds of times stronger than the original drug which they are designed to imitate. One dose can cause uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage.

## **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.

## **Resources: Counseling, Treatment, and Rehabilitation**

Any employee or student who believes he or she has a problem with drug and/or alcohol abuse is urged, for his or her own benefit as well as the benefit of fellow employees and students, to seek counseling and treatment through a treatment program of his or her choice. Options for assistance and referral include:

- On campus referral sources. Employees may contact the Office of Human Resources and students may contact the Office of Student Life for assistance in locating a treatment program. All requests for counseling and treatment sessions, as well as referrals, will be handled in a confidential manner.
- The Office of Student Life has professional mental health counselors on staff to assist members of the Ringling College community. In addition, the Vice President for Student Life and Dean of Students, Associate Deans of Students, Director of Residence Life, Director of Housing, Assistant Directors, and the residence life staff are trained in crisis intervention and may provide assistance and/or implement the necessary conduct procedures regarding student behavior.

Clinics and programs that provide counseling and/or treatment in this area. Listings can be found in the yellow pages of the local telephone directory under the heading of Drug Abuse & Addiction Information & Treatment.

## Procedures for Events with Alcohol

Ringling College considers the abuse of alcohol by its faculty, staff, and students to be unsafe and counterproductive to the educational process and the work environment. We do not encourage the presence and use of alcohol at College sponsored events. The College may, however, permit the legal purchase and use of alcoholic beverages at College related events that are properly organized and scheduled only when the event will not interfere with scheduled academic activities or the normal operations of the College. If such a program will involve students, permission to provide service must be acquired from the Vice-President for Student Life and Dean of Students and the Vice-President for Academic Affairs (in cases where a faculty member is the sponsor or when the event is related to Academic Affairs).

Requests for permission to serve alcohol will only be considered if a third-party vendor properly licensed by appropriate state and local authorities has been contracted to serve alcohol. A copy of the appropriate license must be submitted with the request. Requests from the faculty or staff sponsor must be made in writing by completing the [Alcohol Policy Exemption Form](#) that is available online at least two weeks prior to the proposed event. Furthermore, only events where the majority of the intended Ringling College attendees will be of legal drinking age will be considered for approval.

Additionally, the following are specific policies and procedures that must be followed for the use of alcohol at College events:

1. The only alcoholic beverages that can be served at College functions that are student-oriented are beer and wine.
2. One quarter hour prior to the approved ending time listed on the Alcohol Exemption Form, service/sales will stop.
3. College funds will not be used to pay for or sponsor a party, meal or event where alcoholic beverages are consumed, served, or sold in violation of Florida law.
4. Any advertisements for the event (including leaflets, invitations, posters, letters, and all other forms of advertisements) cannot advertise alcohol. These advertisements can display the following information: Beverages will be available. Must have valid state issued picture identification for verification of age.
5. An adequate amount of food and alternative beverages (such as: water, juice, assorted sodas, coffee, and teas) must be available throughout the entire event. The amount of the food and beverages appropriate for the size and duration of the event will be determined by the Vice-President for Student Life and Dean of Students for events involving students.
6. The sponsor is responsible for ensuring that all College policies and procedures are strictly obeyed.
7. Appropriate precautionary measures must be in place to ensure that beer and wine are not served to individuals under the legal drinking age (21 in the State of Florida). These measures include having a designated non-student individual, screening persons at the event. At any time during the event, the individual screening has the option to decline identification provided by an individual. The entire staff working the event has the right to refuse service to individuals deemed as having enough alcohol prior to or during the event.
8. Under no circumstances should anyone be coerced to drink alcohol. This means no drinking games, contests, or events to encourage excessive drinking. Additionally, alcohol cannot be given as a prize.
9. No kegs, or other common source alcohol containers (such as punch, party balls, etc.) are permitted.

For further information and guidance on the policies and procedures related to events with alcohol, please contact the Vice President for Student Life and Dean of Students.

## Sexual Misconduct and Title IX Policy

### Introduction

Ringling College of Art and Design ("Ringling" or "the College") is committed to creating and maintaining a community in which students, faculty, and staff can work together in an atmosphere free from discrimination. Specifically, every member of the College community should be aware that Ringling College is opposed to discrimination and harassment on the basis of sex, gender, gender expression, gender identity, pregnancy, and sexual orientation, and that such behavior is prohibited by College policy. Such discrimination includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking. Together, these forms of discrimination and harassment are defined as "Prohibited Conduct" below.

Title IX of the Educational Amendments of 1972 (Title IX) is a Federal law which prohibits discrimination on the basis of sex in education, programs or activities. It provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any educational program or activity provided through the College. This is not only the policy of the College, it is also the mandate under applicable federal and state laws and applies with regard to the College's employment, admissions, academic programs, scholarship and loan programs, and other College administered programs.

While it is often thought of as a law that applies to athletics programs, Title IX is much broader than athletics and applies to all programs and activities of Ringling College. While compliance with the law is everyone's responsibility at Ringling College, the College has a designated Title IX Coordinator and Deputy Title IX Coordinator to oversee its response to all reports of Prohibited Conduct as defined by this Policy, and coordinate compliance with the mandates of Title IX. The Title IX Coordinator and Deputy Title IX Coordinator are knowledgeable and trained in the College's policies and procedures, State and Federal laws that apply to sexual misconduct and harassment, and the dynamics of sexual misconduct and harassment.

Any individual may report Prohibited Conduct under this Policy, regardless of whether the person reporting is the person that is reported to have experienced the Prohibited Conduct. The Title IX Coordinator and Deputy Title IX Coordinator are available to meet with any individual to discuss the options for resolving a report under this policy. The College will respond promptly in a manner that is not deliberately indifferent when the College has actual knowledge of Prohibited Conduct in an educational program or activity of the College. Where a report is made regarding Prohibited Conduct, the Title IX Coordinator will promptly respond to such reports by offering supportive measures, following the fair and equitable grievance process outlined in this Policy to resolve allegations of Prohibited Conduct and where a Formal Complaint is filed, the Title IX Coordinator will ensure that appropriate discipline is issued when Prohibited Conduct is determined to have occurred, and take remedial action to restore or preserve equal access to the College's education and activities.

The College's programs and activities are conducted in compliance with Section 504 of the Rehabilitation Act of 1973, as amended, with the Americans with Disabilities Act of 1990, as amended, and with Title IX of the Education Amendments of 1972 and its implementing regulations as amended. Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964 and other applicable statutes.

This Policy implements the mandates of the Non-Discrimination Policy with regard to sex discrimination, sexual harassment, and other sex-related prohibited conduct as defined below.

## Scope of Policy

The Policy applies to students, faculty, staff, visitors, vendors, independent contractors, volunteers, and others who either conduct business with the College or conduct business on College owned or controlled property.

The Policy applies to Prohibited Conduct that:

- Occurs on campus;
- Occurs in connection to any College educational program or activity, including employment and admissions, regardless of where the conduct occurred; or
- Has continuing adverse effects on campus or on any member of the College community.

The purpose of this Policy is to:

- Define the forms of Prohibited Conduct that violate this Policy;
- Identify resources and support for members of the Ringling College community who may have experienced or been accused of Prohibited Conduct;
- Identify the Title IX Coordinator, the Deputy Title IX Coordinators, and their responsibilities related to the Policy;
- Provide information as to how an individual may make a report or Formal Complaint; and

- Provide information on how a Formal Complaint will be resolved, which may include informal resolution or a formal investigation and adjudication.

## Notice of Nondiscrimination and Designation of Title IX Coordinator

Ringling College of Art and Design does not discriminate on the basis of sex, age, gender, color, race, national or ethnic origin, religion, marital status, sexual orientation, gender identity or expression, disability, veteran status, genetic information, or any other basis prohibited by law, in its programs or activities. The College is an equal opportunity educational institution.

Title IX prohibits the College from discrimination on the basis of sex in the education programs or activities that it operates. This prohibition extends to admission and employment. This Policy provides for the prompt and equitable resolution of complaints alleging Prohibited Conduct, and explains the process that the College will use for doing so.

The Title IX Coordinator has been designated and authorized to implement the Title IX program at Ringling College. The Title IX Coordinator has been designated and authorized to coordinate the College's efforts to address concerns relating to discrimination and harassment on the basis of sex. Any of the Title IX Coordinator's duties may be delegated to Deputy Title IX Coordinators at the discretion of the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person who experienced the conduct that could constitute sex discrimination or sexual harassment), at any time including non-business hours (941-359-7500) by contacting the Title IX Coordinator as follows:

### **Title IX Coordinator:**

Dr. Tracy Wagner – Executive Vice President  
Office location: Keating Center, First Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7595 [twagner@ringling.edu](mailto:twagner@ringling.edu)

### **Deputy Title IX Coordinator (Faculty and Staff):**

Darren Mathews – Assistant Vice President and Director of Human Resources  
Office location: Verman Kimbrough Bldg, First Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7619 [dmathews@ringling.edu](mailto:dmathews@ringling.edu)

### **Deputy Title IX Coordinators (Students):**

Dr. Tammy S. Walsh - Vice President for Student Life and Dean of Students  
Office location: Ulla Searing Student Center, Second Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7510 [twalsh@ringling.edu](mailto:twalsh@ringling.edu)

Jekeyma Robinson – Associate Dean of Students for Student Development  
Office location: Ulla Searing Student Center, Second Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 309-4375 [jrobinso@ringling.edu](mailto:jrobinso@ringling.edu)

Inquiries about Title IX may also be directed to the U.S. Department of Education's Office for Civil Rights by contacting 1-800-421-3481 or emailing [ocr@ed.gov](mailto:ocr@ed.gov).

The Coordinator oversees the administration of grievance procedures for faculty and staff, and coordinates training, education and communication of all College non-discrimination and non-harassment policies. The Deputy Title IX Coordinators oversee the administration of the grievance procedures for students and coordinates training, education and communication to students. Additional policies that work in conjunction with this Policy include the *Non-Harassment Policy*, *Student Code of Conduct*, *Non-Discrimination Policy*, and *Whistleblower Policy*.

The Title IX Coordinator and Deputy Title IX Coordinators are knowledgeable and trained in the College's policies and procedures, state and federal laws, that apply to Sexual Misconduct and Harassment, and the dynamics of Sexual Misconduct and Harassment. The Title IX Coordinator and Deputy Title IX Coordinators are available to meet with any individual to discuss the options for resolving a report under this policy.

In addition to addressing complaints against a particular party, the Title IX Coordinator also facilitates the handling of reports raised that the College's policies or practices may discriminate on the basis of sex. The Title IX Coordinator conducts an assessment of such concerns and, using procedures the Title IX Coordinator determines to be appropriate given the circumstances, works with the College to ensure that its policies and practices are compliant.

Any duties or discretion assigned to the Title IX Coordinator or Deputy Title IX Coordinator by this Policy may be assigned to a designee.

## Glossary of Terms

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

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

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

**Bias:** Bias means the tendency of an individual to share the perspective of one party over another party in a way that is unfair and not dependent on evidence. The following will not be considered evidence of bias, as indicated in the U.S. Department of Education's commentary to the Title IX regulations:

- The Title IX Coordinator's initiation of a formal complaint;
- An individual's decision that allegations warrant an investigation;
- An individual's current job title, professional qualifications, past experience, identity, or sex/gender;
- Use of trauma-informed practices when such practices do not rely on sex stereotypes, apply generalizations to allegations in specific cases, cause loss of impartiality, and result in prejudgment of the facts at issue.

The College will apply an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating whether a particular person serving in a Title IX role is biased, and will exercise caution not to apply generalizations that might unreasonably conclude that bias exists.

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

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

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

**Force:** Force is the use of physical violence or physical imposition to engage in sexual activity with another person.

Force also includes the use of threat, intimidation, or coercion to overcome a person's free will or resistance to freely giving consent. Threat, intimidation and coercion include:

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

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

**Human Rights Committee:** A fact-finding committee whose purpose is to respond to and resolve harassment complaints that are not eligible for a hearing under this Policy, nor do they involve a student respondent (in which case they are handled through the Student Conduct process). The Committee is a standing committee appointed by the President and comprised of three faculty members, two staff members, and two students. The student members of the Committee will participate only in those cases where other students are involved as the complainant. The Title IX Coordinator shall assist the Committee in coordinating its responsibilities under this Policy, but shall not participate in deliberations except as needed to answer questions about the Policy or the investigation process. If a member of the Human Rights Committee is unable to carry out their responsibilities in an impartial, unbiased manner, the Title IX Coordinator will designate an alternate official to serve on the Committee. If all members of the Human Rights Committee must be recused due to concerns about bias and/or impartiality, the Title IX Coordinator may appoint an external individual to perform the duties of the Committee.

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

Incapacitation is not the same as an alcohol-induced "blackout." An alcohol-induced blackout is defined as a lack of memory for events occurring after consuming alcohol without a loss of consciousness. A blackout is memory loss during a period of impairment without the loss of other skills.

Factors that a person may use to determine incapacitation include, but are not limited to:

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

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

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

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

**Preponderance of the Evidence:** A determination based on facts that are more likely true than not true. Using this standard, where the evidence in a case is in equipoise, the preponderance of the evidence standard results in a finding that the respondent is not responsible. The College applies this standard of evidence for Formal Complaints against all respondents regardless of status, and applies the same standard of evidence to all formal complaints of Prohibited Conduct under this Policy.

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

**Supportive Measures:** Non-disciplinary, non-punitive individualized services offered to complainants and respondents as appropriate, reasonably available, and without fee or charge. This term also includes protective measures as referred to in the Clery Act.

**Title IX Threshold Requirements:** For a matter to constitute Sexual Harassment – Title IX, it must also meet all of these Threshold Requirements:

- The complainant must have been participating or attempting to participate in the College's education program or activity at the time the Formal Complaint was filed;
- The complainant must have been standing in the United States at the time the conduct occurred;
- The complaint must allege conduct that, if true, could constitute Sexual Harassment – Title IX; and
- The conduct must be alleged to have occurred within the College's education program or activity.

## Prohibited Conduct

This policy addresses a broad spectrum of behavior, all of which fall under the broad definition of Prohibited Conduct. The term Prohibited Conduct includes: sexual harassment – Title IX; sexual harassment – Non-Title IX; stalking – Non-Title IX; dating violence – Non-Title IX; domestic violence – Non-Title IX; sex discrimination; harassment on the basis of sex, gender, or sexual orientation; sexual exploitation; retaliation; and false complaints and statements. Prohibited Conduct also includes actual, attempted or alleged criminal sexual abuse as defined by the State of Florida, to the extent it does not otherwise fall under one of the other categories of Prohibited Conduct.

Instructional material that is reported to form the basis for Prohibited Conduct shall not be deemed Prohibited Conduct unless the material is irrelevant to the subject of the course or the cumulative presentation of specific material is unbalanced to the degree that it rises to the level of Prohibited Conduct under this Policy.

**Sexual Harassment - Title IX** means conduct on the basis of sex that satisfies the definition of one or more of the following: *quid pro quo* sexual harassment by an employee; unwelcome conduct; sexual assault; dating violence; domestic violence; or stalking. To constitute Sexual Harassment – Title IX, the conduct must also meet all of the Title IX Threshold Requirements.

1. **Quid Pro Quo Sexual Harassment**

*Quid pro quo* sexual harassment occurs when a College employee conditions the provision of aid, benefit, or service of the College on participation in unwelcome sexual conduct.

2. **Unwelcome Conduct**

Conduct on the basis of sex that is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's educational program or activity.

3. **Sexual Assault**

Sexual assault is a forcible or non-forcible sex offense as classified under the Uniform Crime Reporting system of the FBI, to include:

- a. *Penetrative Sexual Assault* – penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. Attempts to commit penetrative sexual assault are also included within this definition.
- b. *Fondling* – Touching of the private body parts of another person, for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- c. *Incest* – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. *Statutory Rape* – Sexual intercourse with a person who is under the statutory age of consent.

4. **Dating Violence**

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

5. **Domestic Violence**

The term Domestic Violence includes felony or misdemeanor crimes committed on the basis of sex by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

6. **Stalking**

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

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

A course of conduct includes two or more acts, including but not limited to, those in which the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the complainant, or interferes with the complainant's property. The course of conduct must be committed on the basis of the victim's sex.

## **Sexual Harassment – Non-Title IX**

Sexual Harassment – Non-Title IX is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is an explicit or implicit condition of an individual's employment, evaluation of academic work, or participation in any aspect of a College education program or activity; or
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile, humiliating, or sexually offensive working, academic, residential, or social environment under both a subjective and an objective standard.

Sexual Harassment – Non-Title IX does not refer to occasional compliments of a socially acceptable nature or to welcome conduct.

### **Stalking – Non-Title IX**

Stalking – Non-Title IX is defined as stalking that meets the definition above under “Sexual Harassment – Title IX,” but that does not occur on the basis of sex and/or does not meet the Title IX Threshold Requirements.

### **Domestic Violence – Non-Title IX**

Domestic Violence – Non-Title IX is defined as domestic violence that meets the definition above under “Sexual Harassment – Title IX” but that does not occur on the basis of sex and/or does not meet the Title IX Threshold Requirements.

### **Dating Violence – Non-Title IX**

Dating Violence – Non-Title IX is defined as dating violence that meets the definition above under “Sexual Harassment – Title IX” but that does not occur on the basis of sex and/or does not meet the Title IX Threshold Requirements.

### **Sex Discrimination**

Discrimination that occurs when conduct or a policy has the purpose or effect of restricting or denying access to opportunities, programs, or resources in relation to sex, gender, or sexual orientation, in a manner that interferes with an individual's ability to participate in any academic, extracurricular, research, occupational training, or other College education program or activity. Sex discrimination is prohibited in connection with housing, classes, counseling, financial assistance, employment, health and insurance benefits and services, and with regard to marital or parental status.

Sex discrimination does not include behavior that differentiates between sex/gender and is explicitly permitted by federal regulations, including single-gender housing and hiring when sex/gender is a bona fide occupational qualification reasonably necessary to the normal operation of the College.

### **Harassment on the Basis of Sex, Gender, or Sexual Orientation**

Harassment on the basis of sex, gender, or sexual orientation is defined as unwelcome verbal or physical conduct on the basis of one's sex, gender, gender identity, gender expression, or sexual orientation when:

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

### **Sexual Exploitation**

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

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

## **Retaliation**

Retaliation consists of words or actions taken in response to reporting of a policy violation or participation in the College's complaint process or the follow up to a complaint. Neither the College nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the regulations.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve Prohibited Conduct, but arise out of the same facts or circumstances as a report or complaint of Prohibited Conduct for the purpose of interfering with any right or privilege secured by Title IX or the regulations, constitutes retaliation. Complaints alleging retaliation may be filed according to the grievance procedures under this Policy.

Charging an individual with a code of conduct violation for making a materially false complaint or statement in bad faith in the course of a grievance proceeding under the regulations does not constitute retaliation, as described above, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false complaint or statement in bad faith.

## **False Complaints and Statements**

An individual found to have made a false complaint or to have knowingly and willingly given false statements during an investigation will be subject to disciplinary action. Submitting a good faith complaint, concern or report of harassment will not affect the complainant's employment, grades, academic standing, or work assignments.

## **Relationships**

Within this section, the following terms and definitions apply:

1. Affiliated Individuals. Employees, trustees, and vendors.
2. Employee. Faculty member (full-time, part-time, or adjunct; regular or visiting) or staff member (exempt or non-exempt; full-time or part-time; regular, casual, or temporary).
3. Trustees. Member or Honorary Life Member of the Board of Trustees.
4. Vendors. Organizations or individuals engaged in a contractual relationship with the College to execute a specific function such as food service, custodial service, other services or to provide temporary staffing services.
5. Student-staff. Undergraduate students enrolled in the College who are employed by the College, (e.g. resident assistant, teaching assistant, tutors).

For the purposes of this section of the policy, a “relationship” is defined as a single romantic date or sexual encounter.

Relationships between Affiliated Individuals and Students. All affiliated individuals are prohibited from initiating, engaging in, or attempting to engage in, sexual or dating relationships with any PreCollege or degree-seeking student. An affiliated individual involved in a sexual or dating relationship with a student which began prior to their engagement with the College or implementation of this policy is exempt from this

prohibition, as is an employee whose spouse or domestic partner is a student. However, the relationship must be disclosed as outlined in the paragraph below (Disclosures) so that appropriate action, such as changing the reporting or grading structure, can be taken.

Relationships between Individuals in a Supervisory Relationship. All affiliated individuals and student-staff are prohibited from engaging in sexual or dating relationships with anyone under their direct supervision or whom they officially evaluate or mentor. They are further prohibited from officially supervising, evaluating, or mentoring anyone with whom they have had a relationship in the past, regardless of the consensual nature of the relationship. If such a relationship develops or exists, the relationship may be disclosed by anyone, but must be disclosed by the supervisor, evaluator, or mentor as outlined in the paragraph below (Disclosures) so that appropriate action, such as changing the reporting structure, can be taken.

Other relationships. Sexual and dating relationships in which there is a power differential, even when the differential does not fall into one of the above categories, may raise questions of sexual harassment or suspicions of unprofessional conduct (e.g. conflict of interest, abuse of authority, favoritism, and unfair treatment). For this reason, even relationships that are not officially supervisory or mentoring in nature may require extra sensitivity where such a power differential occurs. In particular, even though student-staff may not think of themselves as being in a position of authority over other students, by virtue of their responsibilities, they should recognize their experience, role in policy enforcement, or access to tools, equipment, and studio time may result in their being viewed as having more power in a relationship. Anyone concerned that issues described in this paragraph have developed (or may develop) in a relationship they are aware of or a part of is encouraged to seek guidance from the Title IX Coordinator or Deputy Coordinators.

Disclosures. All disclosures of existing relationships and reports of concerns should be made to the Title IX Coordinator or Deputy Coordinators. The Title IX Coordinators, at their discretion, may inform the appropriate supervisor and/or the Director of Human Resources (for matters involving staff and/or student-staff), the Vice President of Student Life and Dean of Students (for matters involving student-staff), or the Vice President of Academic Affairs (for matters involving faculty) about a disclosed relationship.

Disclosed relationships will be addressed outside of this policy on a case-by-case basis unless the report contains information which would support a violation of this policy.

## Reporting Prohibited Conduct and Accessing Supportive Measures

Any individual who believes they have experienced Prohibited Conduct has several options for addressing Prohibited Conduct, including reporting to the Title IX Coordinator, reporting to law enforcement, seeking confidential resources, or any combination of these. These options, as well as information regarding the privacy of such reports and amnesty offered for violations of other policies, are outlined here. This section also details the supportive measures that are available to individuals who report Prohibited Conduct to the Title IX Coordinator, as well as the options for emergency removal and administrative leave.

### A. Reporting to the Title IX Coordinator

The College encourages all individuals to report information about any type of Prohibited

Conduct to the Title IX Coordinator. Reports may be made **online** using the Ringling **Reporting Form**. Reports may also be submitted to the Title IX Coordinator by email, mail, telephone, or in person using the contact information listed above, or by any other means that results in the Title IX Coordinator receiving a verbal or written report. Such a report may be made at any time, including during non-business hours. Individuals may choose to make an anonymous report, however if an individual wishes to remain anonymous, it may limit the College's ability to respond.

Faculty and staff (except for College Counseling staff and the Campus Chaplain since they are confidential resources) **are required** to report information to a Title IX Coordinator about any type of Prohibited Conduct. Such mandatory reports cannot be anonymous and must include the name of the employee filing the report, as well as all known information relating to the report. Additionally, as required by Florida law, upon notification of known or suspected sexual abuse, abandonment or neglect of a child under age 18, employees, students and volunteers must report as described in the Ringling

College of Art and Design *Child Protection Policy*. This policy can be found in the student and employee handbooks.

Reports may also be made 24 hours a day, 7 days a week by calling Public Safety (941-359-7500). A complainant or third party can request a campus safety officer to respond and take a report.

The College's goal is that all students report all incidents of Prohibited Conduct so that those affected can receive the support and resources needed. To encourage reporting, the College offers **amnesty**. This means that personal drug and alcohol use is exempt from disciplinary action in situations where Prohibited Conduct also occurs. However, the College may require educational programs about the use of alcohol or drugs and their impact.

Complainants may choose to put respondents "on notice" that their behavior was unwelcome, but doing so is not a prerequisite to initiating a report or Formal Complaint.

Upon receipt of a report, the Title IX Coordinator will provide the complainant with a copy of or link to this Policy, offer an opportunity to discuss supportive measures, and provide information to the complainant of their rights as follows:

1. The right to contact or decline to contact law enforcement to pursue criminal charges, which may be done concurrently with, before, or after filing a Formal Complaint under this Policy. More information on law enforcement is below.
2. The right to access supportive measures under this Policy, regardless of whether the complainant chooses to file a Formal Complaint or report to law enforcement.
3. The right to file a civil action against the respondent, such as to request a protective order.
4. The right to file a complaint with the U.S. Department of Education, the U.S. Equal Employment Opportunity Commission, and other relevant legal authorities as may be applicable under the circumstances.
5. With regard to reports alleging sexual assault, dating violence, domestic violence, or stalking:
  - a. The right to receive information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for those who have experienced these types of Prohibited Conduct, including resources within the College and in the community;
  - b. The right to receive information about options for, available assistance in, and how to request changes to academic, living, transportation, working situations, and other supportive measures;
  - c. The right to receive information about the procedures used to address reports and Formal Complaints as explained by this Policy, including disciplinary procedures.

The Colleges' response to reports may be limited if the respondent is no longer on campus or is unknown. Nevertheless, resources and assistance may still be available and the complainant is encouraged to report the Prohibited Conduct to explore those options.

#### B. Reporting to Law Enforcement

When Prohibited Conduct may also constitute criminal conduct, individuals may file a report with the Sarasota Police Department or other law enforcement agency with jurisdiction, depending on the location of the incident.

If a complainant wishes to file a report with the Sarasota Police Department, a Ringling College staff member is available to assist. The College will not file a police report about the incident on the complainant's behalf unless compelling circumstances, as outlined in the statement of privacy and confidentiality section, exist. The College's response to a report is not impacted by the complainant's decision to file a criminal complaint or the outcome of the criminal investigation.

Notifying the Sarasota Police Department will generally result in the complainant and, in some cases the respondent, being contacted by a police officer. The police department determines if a criminal investigation will occur and if the case will be referred for prosecution.

Under Florida state law, sexual misconduct may constitute a criminal act. However, the College conducts investigations and hearings and renders sanctions in an educational, non-criminal context. An act not criminally prosecuted may still violate College policy. Because the goals and objectives of the Policy differ from those of the civil and criminal justice systems, proceedings under the Policy are independent of civil and criminal processes and may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. On-campus adjudication does not preclude, limit or require a student's or employee's access to the state and federal justice system. A case not referred for criminal prosecution will still receive a College response.

To the extent permitted or required by law, the College will cooperate with law enforcement investigations. However, outside law enforcement agencies do not respond to Title IX violations, and respond only to allegations of criminal behavior. As a result, the College encourages reporting Prohibited Conduct to both the College and to local law enforcement, if the alleged sexual misconduct may also be a crime.

For those reporting to law enforcement, the Sarasota County Sheriff's Office Victim Assistant Unit may be a helpful resource. The Unit may be contacted at (941) 861-4942 or [victimassistance@scgov.net](mailto:victimassistance@scgov.net). The Sarasota County Sheriff's Office Victim Assistance Unit provides services to any victim of any crime, including secondary victims and witnesses to crime. In addition, they provide short-term crisis support for persons experiencing traumatic situations that are not crime related (such as suicides). Services include crisis intervention, accompaniment through medical, legal, and judicial appointments related to the victimization, assistance with filing Injunctions for Protection (restraining orders), assistance in applying for Crime Victim Compensation where applicable, practical assistance, exploration of options, and community information and referral.

#### C. Privacy and Confidentiality

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

Privacy means that the information will be shared only with other individuals who have a "need to know" such information to implement this Policy, including to provide supportive measures. The College shall protect the privacy of individuals involved in a report of Prohibit Conduct to the extent allows by law and College Policy. The College is committed to protecting the privacy of all individuals involved in a report of Prohibited Conduct, and will balance individual privacy with its obligation to conduct a thorough review of allegations to protect the parties and the broader community and maintain an environment free from Prohibited Conduct.

The College will respect, to the greatest extent possible, the privacy of individuals who choose to report to non-confidential employees of the College, including the Title IX Coordinator and Deputy Title IX Coordinator. Except for the confidential resources identified in this policy, all other College staff and faculty who receive a report of Prohibited Conduct are required to report information regarding Prohibited Conduct to the Title IX Coordinator or the Deputy Title IX Coordinator for response. Under Florida law, the College is also mandated to report any abuse of a minor (under the age of 18) to the Florida Abuse Hotline at 1-(800) 962-2873.

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

Faculty, staff and students wishing to obtain confidential assistance without making a report to the College may do so by speaking with a confidential resource listed below. When an individual seeks medical treatment for sexual assault, medical personnel are required to report to the police, but such individuals are not required to file formal charges unless desired.

Where the College has received a report of Prohibited Conduct but the complainant requests that he or

she remain unidentified, and/or requests that the College not pursue an investigation, the College must balance this request with its responsibility to provide a safe and non-discriminatory environment for all members of the community. The College is required to take all reasonable steps to respond to a report, but its ability to do so may be limited by the complainant's request. However, under compelling circumstances - including evidence of a pattern of repetitive behavior, the use of force or threat of force, or the use of a weapon by the respondent - the College may pursue additional information regarding the report, file a Formal Complaint, or take other appropriate measures without the complainant's consent. If the College is unable to take action consistent with the wishes of the complainant, the Title IX Coordinator will inform the complainant about the chosen course of action.

If a report of misconduct poses an immediate threat to the community when timely notice must be given to protect the health or safety of the community, the College may not be able to maintain the same level of privacy. Immediate threatening circumstances include, but are not limited to, reported incidents of misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to the community.

All actions to address reports of Prohibited Conduct (including Formal Complaints, if filed) are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, the Violence Against Women Act (VAWA) and College policy. The College will take great care with confidentiality of the victim including publicly available record-keeping (i.e. Clery Reporting) that excludes personally-identifiable information on the victims to the extent permissible by law. No information shall be released from these proceedings except as required or permitted by law and College policy.

**D. Confidential Resources**

Individuals may seek confidential resources, in addition to or instead of making reports to the College and/or law enforcement. Such confidential resources may be helpful in assisting an individual in determining whether and how to make such reports. Examples of available confidential resources include:

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

Peterson Counseling Center (confidential)  
Office Location: Health Center  
(941) 893-2855

Health Center (confidential except must report sexual assaults to police)  
Office Location: Health Center  
(941) 309-4000

**Other Resources**

Employee Assistance Program  
(877) 240-6863

SPARCC (Safe Place and Rape Crisis Center)  
2139 Main Street  
Sarasota, Florida 34237  
(941) 365-0208  
You can also reach SPARCC through the Florida Coalition Against Domestic Violence Hotline  
1-800-500-1119.

HOPE Family Services  
[www.hopefamilyservice.org](http://www.hopefamilyservice.org) 24 Hour Help-line:  
941-755-6805  
Outreach Office: 941-747-8499

Manatee Glens Rape Crisis Services [www.manateeglens.org](http://www.manateeglens.org)  
Rape Crisis Hotline: 941-708-6059  
Main number: 941-782-4100

Legal Aid Manasota  
[Legalaidofmanasota.org](http://Legalaidofmanasota.org)  
Legal Hotline: (800) 625-2257

Florida Council Against Sexual Violence  
[Fcasv.org](http://Fcasv.org)  
Statewide Hotline: (888) 956-7273

National Hotlines:

- National Domestic Violence Hotline, 24-hours: (800) 799-SAFE (7233)
- National Teen and Young Adult Dating Abuse Hotline, 24-hours: (866) 331-9474
- National Suicide Prevention Lifeline, 24-hours: (800) 273-8255
- National Sexual Assault Hotline, 24-hours: (800) 656-HOPE (4673)
- Trans Lifeline, 10:00-4:00: (877) 565-8860
- Crisis Text Line: text HOME to 741741

Medical Attention: Individuals who experience sexual assault should consider seeking medical attention through a local hospital or health care provider to address injuries, test for sexually transmitted infections, discuss emergency contraception options, and to preserve evidence in case the individual should choose to file formal criminal charges through law enforcement. The individual should not wash, shower, urinate, defecate, change clothes or douche prior to such medical assistance, even though that may be the immediate reaction, so as to best preserve evidence. Medical providers are required to report sexual assaults to police, and any information reported to any police official is public information and is available to the local media. It is, however, the general practice of journalists not to release names of victims of sex offenses. Sarasota Memorial Hospital provides Sexual Assault Nurse Examinations through its Emergency Department to provide specialized care and services to individuals who have experienced sexual assault.

E. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or to deter Prohibited Conduct.

Supportive measures may include counseling, extensions of deadline or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

After a report is received, the Title IX Coordinator will offer to confer with the complainant about supportive measures. All individuals are required to report instances of another individual's failure to abide by any restrictions imposed by supportive measures, such as the violation of a mutual no-contact order. The College will take appropriate action to enforce a previously implemented interim measure, which may include a warning to the party or discipline.

Either party may access counseling services through the Peterson Counseling Center as part of Health Services or Employee Assistance Program, or through a referral to off campus agencies. Information regarding these and other confidential resources is listed above.

F. **Emergency Removal and Administrative Leave**

If, after receipt of a report or Formal Complaint and an individualized safety and risk assessment, the College determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of prohibited conduct justifies removal of a respondent, the College may remove the respondent on an emergency basis. Threats must pose more than a generalized, hypothetical, or speculative risk to health and safety for emergency removal to be appropriate. The College will take steps to continue providing the removed respondent as much access to their educational activities as possible when the individual facts and circumstances of the removal are considered.

When a respondent is removed from campus through emergency removal, the Title IX Coordinator shall provide the respondent with written notice of the individual who will hear any challenge of the removal. The respondent may file a written challenge with such individual in writing within two (2) business days of the removal, and the challenge must include supporting documentation or evidence that the respondent does not pose, or no longer poses, an immediate threat to physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct. The individual hearing the challenge shall be trained, impartial, and unbiased, and shall render their written decision to the respondent and Title IX Coordinator within two (2) business days of receipt of the challenge.

This section does not preclude the College from placing a non-student employee respondent on administrative leave during the pendency of a Formal Complaint. Administrative leave is not subject to the challenge procedures applicable to emergency removals.

I. **Grievance Process**

A. **Formal Complaint**

A Formal Complaint is a document filed in writing by a Complainant, or signed by the Title IX Coordinator, that alleges Prohibited Conduct against a Respondent and requests that the College officially investigate and resolve the allegation. The Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, by in-person delivery, or through the online reporting form and must contain the Complainant's physical or digital signature.

In addition to the Complainant, a Title IX Coordinator can file a Formal Complaint. In the instances when the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party during a Formal Resolution, and must comply with requirements for any person involved in the response and/or resolution to be free from conflicts and bias. Exercising their discretion to file a Formal Complaint is not automatically an indication of a conflict or bias, and the Title IX Coordinator may still coordinate the case.

The Title IX Coordinator may dismiss a Formal Complaint if a Respondent is no longer participating in or attempting to participate in the College's education or program activity, the Complainant submits a written request to withdraw the complaint, or specific circumstances prevent the College from gathering evidence sufficient to reach a determination. Such a dismissal does not preclude the College from taking action under another college policy. No matter the reason for the dismissal of a complaint, the parties will be notified simultaneously in writing of the decision to dismiss, including the reasoning.

The College will not restrict the ability of any party to discuss the allegations under investigation or to gather and present relevant evidence, exception where such discussions constitute Prohibited Conduct (for example, because they constitute retaliation as defined by this Policy).

B. **Title IX Coordinator's Initial Assessment of the Formal Complaint.**

When a Formal Complaint is filed, the Title IX Coordinator will conduct an initial assessment to determine whether it alleges Prohibited Conduct under this Policy. If it does not, the Coordinator may dismiss the Formal Complaint and, if appropriate, refer it to another College procedure.

A Formal Complaint may be resolved through either an Informal Resolution or a Formal Resolution. Informal Resolution for Prohibited Conduct may only be offered after a Formal Complaint has been filed, so that the parties understand what the Formal Resolution entails and can decide whether to voluntarily attempt informal resolution as an alternative. The Informal Resolution process is outlined in Section IV.

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances. The same facts and circumstances means that the multiple Complainants' allegations are so intertwined that their allegations directly relate to all parties. Where multiple complainants or respondents are involved in the same investigation, the parties will only be provided with the appropriate portion(s) of the investigative documents that relate to the complaint(s) in which they are a party.

### **C. Investigation**

The parties will receive written notice that a formal investigation has been initiated. The notice of investigation will include:

- the identities of the parties involved;
- the specific section/s of the policy allegedly violated;
- the precise conduct alleged to constitute the potential violation/s;
- the approximate date, time, and location of the alleged incident;
- a statement indicating that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
- a statement that the determination of responsibility will be made at the conclusion of a Formal Resolution;
- a notice that parties have the right to an advisor of their choice, who may be an attorney;
- the result of an initial assessment to determine whether the allegations suggest a potential violation of Sexual Harassment – Title IX with an indication that this decision will be reviewed again when the investigators prepare their report;
- the name of the investigators and the ability to challenge their participation for conflict of interest or actual bias;
- the appropriate policy language prohibiting a party from knowingly making false statements or knowingly submitting false information; and
- a notice that Retaliation is prohibited.

The notice shall be provided reasonably in advance of any interview with the investigators, with sufficient time for meaningful preparation. The Title IX Coordinator, in consultation with the investigators, may amend the charges as part of the investigative process. The Title IX Coordinator will, if appropriate, issue amended charges in writing to both parties.

Where a party is invited or expected to participate, the College will provide written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

A party's advisor is permitted to attend any meeting or proceeding relating to the Formal Complaint. The advisor's role is to provide support and assistance during the process but not to speak on behalf of their party, unless required as part of the Hearing Resolution Process. If an advisor refuses to comply with these restrictions, or is disruptive to the process, the College may require the party to use a different advisor.

#### **1. Investigator roles and participants' responsibilities.**

The Title IX Coordinator will designate a trained investigator to conduct an adequate, reliable, and impartial investigation. The investigator may be an employee or an external contractor. In complex situations, the Title IX Coordinator may engage additional trained investigators to assist in gathering the information for the primary investigator. If a party

has concerns that an investigator has a conflict of interest or bias, the party should follow the process for addressing these concerns outlined in the notice of investigation. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not the parties.

The investigator will offer each party the opportunity to be interviewed. The parties will have an equal opportunity to present witnesses, including expert witnesses, and to submit evidence. The investigator will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as relevant, appropriate, and available. The parties may submit questions to be asked of parties and witnesses. The investigator will review submitted questions and, in their discretion, may choose which questions are necessary and appropriate to the investigation and conduct any follow-up, as they deem relevant.

**2. Use of treatment records with written permission of the parties.**

A person's medical, counseling/psychological, and similar treatment records are privileged and confidential documents that a party will not be required to disclose. Where a party provides their written permission to share medical, counseling/psychological, and similar treatment records as part of the investigation, only the portion of the records directly related to the allegations raised in the formal complaint will be included in the case file for review by the other party and for use in the investigative process.

**3. Use of Complainant's prior sexual history and prior conduct of the parties.**

Evidence related to the prior sexual history of the complainant is generally not relevant to the determination of a policy violation and will only be considered in very limited circumstances, for example, to prove that someone other than the respondent committed the alleged conduct. Where the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship. However, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion.

Information regarding other acts by a party will be permitted as relevant where the nature and means of those other acts may affect credibility of the assertions in the current case. It is not required that the party have been found responsible for policy violations related to those other acts for them to be included in the current case.

Any party seeking to introduce information about prior sexual history or other acts by a party should bring this information to the attention of the investigators at the earliest opportunity. While the investigators may explore relevant areas of inquiry, the Title IX Coordinator has the discretion to make the final determination whether evidence of prior sexual history or other misconduct is relevant and should be included in the report.

**4. Anticipated timeframe for completing investigation and process for requesting extension of time.**

The College will seek to complete the investigation in a reasonable timeframe from the notice of investigation, typically within sixty (60) business days. This time frame may be extended for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may be based on delays occasioned by the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other circumstances, all of which will likely extend the length of time it takes to complete the investigation. The Title IX Coordinator will provide regular updates to all parties regarding the progress of the investigation.

**5. Parties' review of evidence collected during investigation**

The evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available to the parties and their advisors for review and inspection, including the evidence upon which the College may not rely in reaching a determination regarding responsibility, as well as inculpatory or exculpatory evidence. The parties will have 10 calendar days to review the evidence. The parties will be offered the opportunity to review the evidence and provide a written response that will be submitted to the investigator for consideration in their completion of the Investigation Report.

Due to the privacy of all those involved, evidence shared in an electronic format will not be printable, downloadable or electronically shareable by the parties or their advisors. Exceptions may be made in compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. To protect the integrity of the process and the privacy of the parties, parties and advisors are prohibited from sharing evidence made available to them through this process. Individuals who share evidence in violation of this prohibition may be subject to discipline or, if advisors, to removal from participation in the process.

**6. Investigators will complete an investigative report.**

Once the parties have reviewed the evidence and have submitted responses, or the time period to submit such responses has passed, the investigators will complete any follow up they deem necessary, and write the investigation report. The investigation report will include, but is not limited to, the following sections:

- overview of the complaint made and summary of the investigative methodology;
- summary of relevant information gathered, including:
  - timeline of incident being investigated;
  - complainant's account of events;
  - respondent's account of events;
  - witness accounts;
  - evidence gathered;
- areas of agreement;
- areas of disagreement;
- assessment of whether or not the complaint meets one or more of the required elements of the definition of sexual harassment under Title IX, including rationale; and
- an appendix containing all of the collected evidence.

The investigation report will not include:

- Information about the complainant's sexual predisposition or prior sexual behavior, unless:
  - The information is to prove that someone other than the respondent committed the alleged conduct; or
  - The information concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent
- Information that is protected by a legally recognized privilege unless the person holding such privilege has waived the privilege; and
- A party's medical, counseling/psychological, and similar treatment records unless the party (or, in the case of a minor, the party's parent/guardian) has given voluntary, written consent.

**7. Dismissal from Hearing Procedure**

The investigators will consider whether the conduct alleged, if demonstrated by a preponderance of the evidence, would constitute Sexual Harassment – Title IX within the Scope of the Policy in light of the evidence gathered during the investigation, and make a

recommendation to the Title IX Coordinator regarding the same. If Sexual Harassment – Title IX is properly alleged, the investigators will further determine whether those allegations meet all three of the following jurisdictional requirements:

- The Formal Complaint was filed when the complainant was participating in or attempting to participate in the education program or activity of the College;
- The reported Sexual Harassment – Title IX occurred against a person in the United States; and
- The reported Sexual Harassment – Title IX occurred in the College's education program or activity.

The Title IX Coordinator will review the recommendation of the investigators and make the final determination as to whether the conduct alleged, if demonstrated by a preponderance of the evidence, would constitute Prohibited Conduct within the Scope of the Policy and whether all three of the above jurisdictional factors are met. This determination is consequential because only cases alleging Sexual Harassment – Title IX and meeting the Threshold Requirements above shall be eligible for the hearing process.

The Title IX Coordinator will notify the parties, in writing, of the final assessment and whether or not the complaint will proceed to a hearing or be transitioned for adjudication under another College Policy. This decision may be appealed by either party. Instructions and grounds for the appeal will be shared by the Title IX Coordinator in the cover letter for the investigation report. Parties have 3 business days after receipt of the investigative report to submit in writing an appeal of the transition to another policy or the failure to transition to another policy, and the other party will be provided with 3 business days in which to respond to such appeal.

Cases that are eligible for hearing will continue using the Hearing Resolution Process outlined in this Policy. All other cases shall be handled as follows:

- Where the Respondent is a student, the investigative report shall be referred to the Office of Student Life, which will utilize the student disciplinary process for Non-Academic Conduct in the Student Handbook to adjudicate the case. Appeals shall be handled pursuant to that process
- Where the Respondent is not a student, the matter shall be referred to the Human Rights Committee, which shall review the investigative report and make a determination based on the preponderance of the evidence as to whether Prohibited Conduct occurred. A designated member of the Human Rights Committee will prepare a report containing the Committee's findings and conclusions. Sanctions will be determined by an appropriate Vice President according to the list of potential sanctions in this Policy. The parties will receive copies of the report and notification of any sanctions that are issued. Appeals shall be handled as indicated in this Policy, except that an Appeals Panel consisting of three Vice Presidents selected by the Title IX Coordinator shall be used in lieu of a single Appeals Officer.

Where a case is not eligible for hearing but involves sexual assault, dating violence, domestic violence, or stalking allegations, the following procedural protections will be available to both parties through the Student Conduct or Human Rights Committee procedures outlined above:

- Continued access to informal resolution procedures until a determination is reached as to whether a Policy violation occurred;
- Continued access to supportive measures;
- Procedures are conducted by officials that receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability;
- Continued ability to bring an advisor of choice to any related meeting or proceeding;

- Both parties receive simultaneous written notice of the result of the disciplinary proceeding, the procedures for appeal, any changes to the result, and when such results become final.

#### **8. Responses to Investigative Report**

The parties have 10 calendar days beginning at the conclusion of the 3-day appeal window, if no appeal is filed, or beginning at the receipt of the appeal decision if an appeal is filed, to submit their written response to the Investigation Report. The response may include an assertion that evidence not summarized in the report, but present in the case file, should be considered as relevant.

### **II. Hearing Resolution Process**

A Hearing Resolution will be used to resolve cases that include charges of Sexual Harassment –

Title IX and meet the jurisdictional requirements listed in the section above regarding

“Dismissal from the Hearing Process.” If such cases also include other charges, all the charges in that case will be handled at the same time through the Hearing Resolution process. A Hearing Resolution includes a pre-hearing conference, a live hearing, decisions about responsibility and sanctioning by the Decision-maker, and an optional appeal process.

A single Decision-maker will typically conduct the live hearing. The Title IX Coordinator chooses a trained, impartial decision-maker, who may be but is not required to be an employee. The Decision-maker cannot be the Title IX Coordinator or the investigator(s) who investigated the case.

The Hearing Resolution Process typically concludes in thirty business days from receipt of the parties’ responses to the investigative report. This time frame may be extended for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may be based on delays occasioned by the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other circumstances, all of which will likely extend the length of time it takes to complete the Hearing Resolution Process.

Each party must have an advisor at the hearing. If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the College’s choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

#### **1. Pre-Hearing Conference**

Each party will have their own Pre-Hearing Conference. The Title IX Coordinator will communicate to the parties, their advisors, and the Decision-maker, the date, time, and format for their Pre-Hearing Conference. The Title IX Coordinator, the Decision-maker, and the advisor must be in attendance. While the parties are encouraged to attend, they are not required to do so.

During the Pre-Hearing Conference, the advisors must share with the Decision-maker their list of witnesses to appear at the hearing, the identity of any requested witnesses that were not questioned during the investigation, the request for any new evidence to be considered that was not submitted previously to the investigators, and the availability of the advisor and the party for hearing dates.

Evidence and witnesses may only be presented at the hearing if they were submitted to the investigators and made available to the parties for review, unless they were unavailable at the time of the investigation or the relevance was unknown until the investigative report was submitted. The Decision-maker will address any requests at the Pre- Hearing Conference to present new evidence and new witnesses.

The advisor is strongly encouraged to discuss lines of questioning with the Decision-maker at the Pre-Hearing Conference to obtain guidance from the Decision-maker on relevancy prior to the

hearing. The Decision-maker will discuss the expectations and guidelines for appropriate behavior and decorum during the hearing.

After reviewing each party's witness list, the Decision-maker may, in their discretion, add names of other witnesses contained in the report for the purpose of appearing at the hearing and submitting to cross examination.

After the conclusion of the Pre-Hearing Conferences, the Title IX Coordinator will provide each party and their advisor with written notice of the date, time, and manner for the hearing, which will typically occur no less than 5 business days after the conclusion of the final pre-hearing conference.

## 2. **Live Hearing**

The live hearing may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. Regardless of format, the hearing will be recorded or transcribed, and the recording or transcript will be Ringling's property, and will be made available to the parties for review and inspection upon their request during the pendency of the process.

Those persons present during the entirety or at designated portions of the hearing include:

Complainant; Complainant's advisor; Respondent; Respondent's advisor; Decision-maker; Title IX Coordinator; witnesses; other appropriate individuals at the discretion of the Title IX Coordinator (for example, an interpreter or someone needed to provide reasonable accommodations due to a disability).

The Decision-maker will provide an introduction detailing the purpose of the hearing, have those present identify themselves and their role, remind all parties of the expectation to be candid and honest in their response, and provide a brief overview of the procedure and the anticipated order of the hearing.

All evidence subject to the parties' inspection and review during the investigation will be available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

The advisors will be responsible for orally asking relevant questions, including those questions which challenge credibility, to the other party or parties and any witnesses directly, in real-time and in a manner that, in the Decision-maker's sole discretion, is not inappropriate, harassing, intimidating, irrelevant, or redundant. Cross-examination will never be conducted by a party personally. Only relevant questions may be asked of a party or witness. Relevant questions are those tending to prove or disprove a fact at issue. The Decision-maker may ask questions and elicit information from parties and witnesses on the Decision-maker's own initiative to aid the Decision-maker in obtaining relevant evidence.

Questions that are not relevant include:

- Repetition of the same question;
- Questions related to information about the complainant's sexual predisposition or prior sexual behavior, unless:
  - The information is to prove that someone other than the respondent committed the alleged conduct; or
  - The information concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent;
- Questions related to information that is protected by a legally recognized privilege; and
- Questions related to a party's medical, counseling/psychological, and similar treatment records unless the party has given voluntary, written consent.

The Decision-maker will objectively evaluate all evidence, including inculpatory and

exculpatory evidence, to determine its relevance, materiality, weight and reliability. Credibility determinations will not be based on an individual's status as a complainant, respondent, or witness.

Before a party or witness answers a question by an advisor, the Decision-maker will first determine whether the question is relevant and briefly explain any decision to exclude a question as not relevant, or request rephrasing of the question. The Decision-maker is not required to give a lengthy or complicated explanation of a relevancy determination during the hearing. The Decision-maker may later send to the parties any revisions to the explanation of relevance that was provided during the hearing.

If a party or witness does not submit to cross-examination at the live hearing, the Decision-maker may still consider their statements and will determine the weight to which those statements may be entitled. The Decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

### **3. The Decision-maker will issue a written determination of responsibility.**

After the hearing, the Decision-maker will issue a written determination of responsibility. This determination will be provided within twenty-one (21) calendar days of the hearing, unless an extension is required for good cause. The determination of responsibility will be based on a preponderance of the evidence and will include:

- Identification of the allegations potentially constituting sexual harassment
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Ringling imposes on the Respondent, and whether remedies will be provided by Ringling to the Complainant, and;
- Ringling's procedures and permissible bases for the Complainant and Respondent to appeal.

The determination will lay out the evidentiary basis for conclusions reached in the case. The determination will be provided to the parties simultaneously. The determination becomes final only after the time period for appeal has expired or, if a party does file an appeal, after the appeal decision has been sent to the parties.

If an appeal is filed, the determination becomes final on the date that the College provides the parties with the written determination of the result of the appeal. If an appeal is not filed, the determination becomes final on the date on which an appeal would no longer be considered timely. The Title IX Coordinator may determine whether it is appropriate to stay the sanctions pending the determination becoming final, taking into account the safety of the complainant and the campus community, the severity of the behavior, and the effect on the College's ability to address the behavior if the sanctions are stayed.

## **III. Appeals**

Complainants and Respondents may appeal the Decision-maker's determination regarding responsibility, or Ringling's dismissal of a Formal Complaint or any allegations therein to the Title IX Coordinator who will initiate the appeal process. Ringling will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The Appeal Officer, who is the decision-maker for the appeal, will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties.

Grounds for appeal include

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, and;
- The Title IX Coordinator, investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

All grounds for appeal will be available to all parties.

The Title IX Coordinator shall appoint a trained, impartial Appeals Officer, who shall be a Vice President of the College or shall be external to the College, depending on availability and circumstances.

When the typical or alternate Appeal Officer is unable to serve, or is not otherwise designated in this policy, the Title IX Coordinator will select a trained individual to be the Appeal Officer with notice to the parties.

The Appeal Officer cannot be the same person as the Decision-maker for the hearing, the investigator, or the Title IX Coordinator. The Appeal Officer must be a neutral and impartial decision-maker. The parties will be informed, in writing, of the specific Appeals Officer. Within 1 business day of receiving the notice of the designated Appeals Officer, the complainant and the respondent may submit a written request to the Title IX Coordinator to replace the named Appeals Officer if there are reasonable articulable grounds to establish bias, conflict of interest or an inability to be fair and impartial.

The designated Appeals Officer will only be replaced if the Title IX Coordinator determines their bias precludes impartiality or constitutes conflict. Additionally, an Appeals Officer who has reason to believe they cannot make an objective determination must recuse themselves from the process.

A complainant or respondent must submit a written appeal to the Title IX Coordinator and within 5 business days of receipt of the Notice of Outcome. The written appeal must include the specific basis for the appeal and any information or argument in support of the appeal. Upon receipt of the appeal, the Title IX Coordinator will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted to the Title IX Coordinator within 3 business days from the other party's receipt of the appeal. Appeal responses are shared with the other parties but no reply is permitted.

The Appeals Officer will make a decision regarding the written appeal and, within 10 business days of receipt of all appeal documents, notify the complainant and the respondent of the outcome. The Appeal Officer may affirm the finding(s); alter the finding(s); alter the sanctions; or request that additional steps be taken.

Appeal decisions are final. All appeal deadlines may be extended for good cause by the Title IX Coordinator. Any extension will be communicated to the parties.

#### **IV. Informal Resolution Process**

Informal resolution permits the parties to seek resolution of Formal Complaints of Prohibited Conduct. Ringling does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to an investigation and adjudication of Prohibited Conduct under Ringling's grievance process. Similarly, Ringling will never require the parties in a Prohibited Conduct allegation to participate in an informal resolution process, as described below. The Title IX Coordinator has discretion as to whether Informal Resolution is appropriate in any particular case, except that Informal Resolution may not be used in cases in which a student alleges Sexual Harassment – Title IX against an employee of the College.

After the report of Prohibited Conduct or after the filing of a Formal Complaint of Title IX Sexual Harassment, if the Title IX Coordinator determines Informal Resolution is appropriate and all parties

voluntarily consent in writing, Ringling will assist the parties in an informal resolution process. An informal resolution process can be held at any time prior to reaching a determination regarding responsibility in the grievance process.

Before initiating an informal resolution, Ringling will: (1) provide the parties a written notice; and (2) obtain the parties' voluntary, written consent to the informal resolution process. The written notice that Ringling will provide to the parties will disclose the allegations, the requirements of the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Ringling's informal resolution process enables that, at any time prior to agreeing to a resolution, any party has a right to withdraw from the informal resolution process and resume the grievance process with respect to the report or Formal Complaint. The Title IX Coordinator will appoint a trained, impartial informal resolution officer to facilitate the informal resolution process.

Upon initiation of the informal process as described above, the informal resolution officer will attempt to resolve the dispute through meetings with the parties. Although an in-person or a restorative justice conference may be suggested, parties will never be required to meet directly with one another as part of the informal resolution process unless they mutually agree to do so.

When sexual harassment allegations can be resolved through alternate resolution by mutual consent of the parties and on a basis that is acceptable to the informal resolution facilitator in consultation with the Title IX Coordinator, the resolution process shall be considered finally decided and there will be no subsequent process or appeal.

#### **V. Sanctions and Remedies**

Where a respondent is determined to have engaged in Prohibited Conduct, the Decision-maker shall determine appropriate sanctions, in consultation with an appropriate administrator based on the status of the respondent (student, employee, or other). The Title IX Coordinator will determine an appropriate administrator for consultation based on the circumstances.

Students determined to have engaged in Prohibited Conduct are subject to disciplinary action in accordance with the provisions of the *Code of Conduct* as contained in the Ringling College of Art and Design Student Handbook, whether or not formal criminal charges are filed by the victim.

A student found in violation of this Policy may be sanctioned with the following, or any combination thereof: disciplinary warning, reprimand, educational interventions, assessment by the counseling staff, community restitution, denial of privileges, work projects, restitution, fines, disciplinary probation, final disciplinary probation, behavioral agreement, no contact orders, suspension, expulsion, termination of employment, and other restrictions as to access and use of College facilities, property, or activities.

Employees determined to have engaged in Prohibited Conduct are subject to disciplinary action. Such employees may be sanctioned with the following, or any combination thereof: a warning, reprimand, educational interventions, counseling, no contact orders, probation, suspension, transfer, demotion or immediate termination of an employee in accordance with the policies and procedures outlined in the Faculty or Staff Handbook, as well as other restrictions as to access and use of College facilities, property, or activities.

Respondents who are neither students nor employees are also subject to sanction, including but not limited to the following, depending on the amount of control exercised by the College over the Respondent: warning, reprimand, educational interventions, restitution, no contact orders, termination of contract(s), prohibition (temporary or permanently) against future admission and/or employment; and restrictions as to access and use of College facilities, property, or activities.

Ringling will provide remedies to a Complainant designed to restore or preserve equal access to

Ringling's education program or activity. Such remedies may include the same individualized services provided as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent where the Respondent has been found to have engaged in Prohibited Conduct.

The Title IX Coordinator is responsible for effective implementation of remedies. Where the final determination has indicated that remedies will be provided, the Complainant can then communicate separately with the Title IX Coordinator or their designee to discuss what remedies are appropriately designed to preserve or restore the Complainant's equal access to education. Remedies for a Complainant which do not affect the Respondent must not be disclosed to the Respondent.

## Training

The College will ensure the Title IX Coordinators, investigator(s), decision-makers, appeals officers, and any person who facilitates an informal resolution process receive training on the definition of Sexual Harassment – Title IX, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Additionally, these individuals must receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The College will ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

The College will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, appeals officers, and any person who facilitates an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Training materials shall be posted on the College's website in compliance with the Title IX regulations.

## Maintenance of Records

The College shall maintain all records and documentation for each case for seven (7) years from the date a report is received. With regard to Records of Sexual Harassment – Title IX, the records will include:

- Each investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, decision-makers, appeals officers, and any person who facilitates an informal resolution process;
- Documentation of any supportive measures taken in response to a report or formal complaint of Sexual Harassment – Title IX, including documentation regarding the basis for any conclusion that the College's response was not deliberately indifferent;
- Documentation of why a complainant alleging Sexual Harassment – Title IX was not provided with supportive measures, including the reasons why such response was not clearly unreasonable in light of the known circumstances.

## Educational and Prevention Programs

Ringling College offers primary prevention programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence,

sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in health and safe directions. The College also offers prevention and awareness campaigns to increase understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking.

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

Approved by President Larry R. Thompson, August 14, 2020

Updated Title IX Coordinator, June 1, 2021

Revisions approved by President Larry R. Thompson, August 16, 2022

Revision approved by Board of Trustees April 20, 2023

## Reporting a Sexual Assault

### Medical Attention and Preservation of Evidence

Immediately following a sexual assault or any type of sexual misconduct, a victim should seek medical attention. The victim may have injuries that need immediate attention and it is important to test for sexually transmitted infections and discuss options about emergency contraception. The victim should not wash, shower, urinate, defecate and change clothes or douche, even though that may be the immediate reaction. This is important for preserving evidence should the victim decide to file formal criminal charges through the Police. Please be aware that information reported to any police official is public information, and is available to local media. It is, however, the general practice of journalists not to release names of victims of sex offenses.

### Support

The provision of support for a victim is essential. Support should come from trusted friends and/or loved ones and trained professionals. Ringling College's Office of Student Life staff serves as the primary source of support for students who experience sexual misconduct or assault. The Vice President for Student Life and Dean of Students and Associate Dean of Students for Student Development additionally serve as Deputy Title IX Coordinators (See Title IX). In order to assure appropriate support for a victim, victims of sexual misconduct/sexual assault are urged to report the incident as soon as possible, regardless of where the offense took place, whether or not the offender is known to the victim. Victims of sexual assault are not required to file formal criminal charges through the police, even if they report the incident to campus officials.

### Reporting

The College encourages all students to report information about any type of sexual misconduct or harassment involving a student, staff, faculty member or visitor. Faculty and staff, except for College Counseling staff, and the Campus Minister, since they are confidential resources, are required to report information to a Title IX Coordinator about any type of sexual misconduct or harassment. Medical personnel, when a victim seeks medical treatment for sexual assault, are required to report to the police, but victims are not required to file formal charges unless desired. An incident does not have to occur on campus to be reported to the College. Off campus conduct that adversely affects or has the potential to adversely affect the Ringling College community also falls under this policy. The College will promptly investigate and respond to all reports of sexual misconduct and harassment.

The College provides resources to both the complainant and respondent in making decisions, obtaining information about options under this policy, and assisting both parties in the event that a report of sexual misconduct or harassment is made.

## Reporting a Sexual Assault

**Campus Safety:** The opportunity to file a report with the College is available 24 hours a day, 7 days a week by calling Public Safety (941-359-7500). A complainant or third party can request a Public Safety Officer to respond and take a report.

### **Title IX Coordinator:**

Dr. Tracy Wagner, Executive Vice President  
Office location: Keating Center, First Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
941- 359-7595 [twagner@ringling.edu](mailto:twagner@ringling.edu)

### **Deputy Title IX Coordinator (Faculty and Staff):**

Darren Mathews, Assistant Vice President and Director of Human Resources  
Office location: Verman Kimbrough Bldg, First Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
941- 359-7619 [dmathews@ringling.edu](mailto:dmathews@ringling.edu)

### **Deputy Title IX Coordinator (Students):**

Dr. Tammy S. Walsh, Vice President for Student Life and Dean of Students  
Office location: Ulla Searing Student Center, Second Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
941- 359-7510 [twalsh@ringling.edu](mailto:twalsh@ringling.edu)

### **Deputy Title IX Coordinator (Students):**

Jekeyma Robinson, Associate Dean of Students for Student Development Office  
Location: Ulla Searing Student Center, Second Floor  
941- 309-4375 [jrobinso@ringling.edu](mailto:jrobinso@ringling.edu)

**Office of Student Life:** A complainant or third party can file a report with any of the professionals within the Office of Student Life or Housing and Residential Life.

### Office of Student Life Staff

Trevor Dority – Director of Residence Life  
Office Location: Ann and Alfred Goldstein Hall, First Floor  
**941- 359-7688** [tdority@ringling.edu](mailto:tdority@ringling.edu)

Erin Smith – Director of Housing Operations  
Office Location: Ann and Alfred Goldstein Hall, First Floor  
**941- 309-1963** [esmith3@ringling.edu](mailto:esmith3@ringling.edu)

Julia Vellucci – Assistant Director for Residence Education  
Office Location: Ann and Alfred Goldstein Hall, First Floor  
**941- 309-4018** [jvellucc@ringling.edu](mailto:jvellucc@ringling.edu)

Katey Genrich – Assistant Director for Housing Operations  
Office Location: Ann and Alfred Goldstein Hall, First Floor  
**941-309-0111** [kgenrich@ringling.edu](mailto:kgenrich@ringling.edu)

Andrew Moreira – Director of Student Activities and Leadership Development  
Office Location: Ann and Alfred Goldstein Hall, First Floor  
**941- 309-0202** [amoreira@ringling.edu](mailto:amoreira@ringling.edu)

E Ramey – Director of Recreation and Wellness  
Office Location: Ulla Searing Student Center, Second Floor  
**941- 359-6123** [eramey@ringling.edu](mailto:eramey@ringling.edu)

Kaitlyn Priestly- Asst. Director of Student Volunteerism and Service Learning  
Office Location: Ulla Searing Second Floor  
**941-893-2861** [kpriest1@ringling.edu](mailto:kpriest1@ringling.edu)

**Local Law Enforcement:** A complainant may file a report with the Sarasota Police Department or other law enforcement agency (depending on location of incident). Coordination with Law Enforcement

Because the goals and objectives of the College's Sexual Misconduct and Title IX Policy differ from those of the civil and criminal justice systems, proceedings under the College's Sexual Misconduct and Title IX Policy are independent of civil and criminal processes and may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. On-campus adjudication does not preclude, limit, or require a student's or employee's access to the state and federal justice system.

Notifying the Sarasota Police Department will generally result in the complainant and, in some cases the respondent, being contacted by a police officer. The police department determines if a criminal investigation will occur and if the case will be referred for prosecution. A case not referred for criminal prosecution will still receive a College response.

Under Florida state law, sexual misconduct may constitute a criminal act. However, the College conducts investigations and hearings and renders sanctions in an educational, non-criminal context. An act not criminally prosecuted may still violate College policy. To the extent permitted or required by law, the College will cooperate with outside investigators. However, outside law enforcement agencies do not respond to Title IX violations and respond only to allegations of criminal behavior. As a result, the College encourages reporting to both the College and to local law enforcement, if the alleged sexual misconduct may also be a crime.

The College process and the criminal justice process are two separate and independent courses of action. If a complainant wishes to file a report with the Sarasota Police Department, a Ringling College staff member is available to assist. The College will not file a police report about the incident on the complainant's behalf unless compelling circumstances, as outlined in the statement of privacy and confidentiality section, exist. The College's response to a report is not impacted by the complainant's decision to file a criminal complaint or the outcome of the criminal investigation.

### **Amnesty**

Our goal is that all students report all incidents of sexual misconduct so that those affected can receive the support and resources needed. Therefore, violations of the College's alcohol and illegal substances policies by a complainant may be exempt from disciplinary action in situations where sexual misconduct or harassment also occurs. However, the College may initiate an educational discussion about the use of alcohol or drugs and their impact.

### **Statement Against Retaliation**

Although Ringling College acknowledges that extreme emotions and stress often accompany incidents of sexual harassment and misconduct, the College does not condone any person engaging in any type of retaliation. The College views retaliation complaints with great seriousness. All individuals are strongly encouraged to report any concerns about retaliation to Public Safety, a Title IX Coordinator or a Student Life staff member. The College will respond to reports of retaliation. Retaliation is a distinct category of prohibited conduct under this policy.

### **False Reports**

Submitting of a good faith complaint, concern or report of harassment will not affect the complainant's employment, grades, academic standing, or work assignments. However, an individual found to have made a false complaint or to have knowingly and willingly given false information during an investigation will be subject to disciplinary action.

### **Interim Support and Reasonable Protection**

After a report is made, the College will provide interim support and reasonable protection against further acts of misconduct, harassment or retaliation as well as provide services and resources to provide a safe educational and employment environment.

After the initial review of the report, the College will determine the necessity and scope of any interim measures. All individuals are required to report instances of another individual's failure to abide by any restrictions imposed by an interim measure. The College will take action to enforce a previously implemented interim measure.

The range of interim support measures include:

- No contact order: The complainant or respondent may request, or the College may impose, communication and contact restrictions to prevent further potentially harmful interaction.
- Academic, Employment or Living Arrangements: The complainant or respondent may request a change in academic, employment or living situation after a report of sexual misconduct or harassment. Upon request, the College will inform the complainant or respondent of the options and will accommodate the request if those changes are reasonably available. In some cases the College may initiate these changes without a request. These may include, but are not limited to:
  - Changing class or work schedule, including the ability to stop a course without penalty;
  - Limiting an individual's or organization's access to certain College facilities or activities pending resolution of the matter;
  - Providing an escort to ensure safe movement between classes and activities; or,
  - Providing academic support services
- Emotional Support: The College will provide counseling services through the Peterson Counseling Center as part of Health Services or Employee Assistance Program or assist in providing a referral to off campus agencies. Counseling and emotional support is available to any member of the College community.

## **Disciplinary Action**

Students accused of sexual misconduct/sexual assault are subject to disciplinary action in accordance with the provisions of the Code of Conduct as contained in the Ringling College of Art and Design Student Handbook, whether or not formal criminal charges are filed by the victim. The disciplinary proceedings will be conducted by College officials who receive training. The standard of evidence that is used is a "preponderance of evidence," meaning it is more likely than not that said violation occurred. Both the accuser and the accused are entitled to the same opportunities to:

- Have an advisor of their choosing accompany them during any related meeting or during any campus disciplinary proceedings;
- Bring witness;
- Be notified simultaneously and in writing of the outcome of the proceeding and of appeal procedures;
- Be notified of any change to the result before it becomes final, and when the result becomes final; and,
- Have disciplinary proceedings completed within a reasonable timeframe.

The College will take great care with confidentiality of the victim including publicly available record-keeping (i.e. Clery Reporting) that excludes personally-identifiable information of the victims to the extent permissible by law. A student found in violation of the sexual misconduct policy is subject to disciplinary action, which may include suspension and / or expulsion from the College.

## **Additional Campus Resources**

Rev D. Henry – Campus Minister (Confidential Resource)  
Office Location: Ulla Searing Student Center, Second Floor  
941-309-0200

Peterson Counseling Center (Confidential Resource)  
Office Location: Health Center  
941- 893-2855

Health Center (Required Reporter to Police)  
Office Location: Health Center  
941- 309-4000

### **Off-Campus Community Resources**

SPARCC (Safe Place and Rape Crisis Center)  
2139 Main Street, Sarasota, Florida 34237  
941- 365-0208

You can also reach SPARCC through the Florida Coalition Against Domestic Violence Hotline 1-800-500-1119.

HOPE Family Services  
24 Hour Help-line: 941-755-6805  
Outreach Office: 941-747-8499  
[www.hopefamilyservice.org](http://www.hopefamilyservice.org)

In addition, there are multiple ongoing prevention and awareness programs that continuously occur throughout the year that we encourage all staff, faculty and students to participate in.

### **Ongoing Prevention and Awareness Campaigns**

Manatee Glens Rape Crisis Services [www.manateeglens.org](http://www.manateeglens.org)

Rape Crisis Hotline: 941-708-6059 Main number: 941-782-4100

### **RAINN**

RAPE, ABUSE, & INCEST NATIONAL NETWORK (RAINN)  
The nation's largest anti-sexual assault organization.

**Florida Council Against Sexual Violence (FCASV)** FCASV is an excellent resource regarding the current trends in reported sexual assaults within Florida, current research, outreach, and survivor training, and resources for survivors.

**Awareness Programs** are community-wide or audience specific programming, initiatives and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety and reduce perpetration.

**Primary Prevention Programs** means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Ringling College offers the following prevention and awareness program for all new employees:

- United Educators online courses:
  - Workplace Harassment Fundamentals
  - Protecting Children: Identifying and Reporting Sexual Misconduct
- Video: Campus Security Authority Training;
- New Employee Orientation
  - Includes review of institutional policies and procedures

Ringling College offers the following prevention and awareness program for all new students:

- Title IX Student Awareness Training during New Student Orientation and online materials.

means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and providing pertinent information.

The Office of Student Life works closely with the Office of Public Safety to promote awareness about rape, sexual assault, and other forms of sexual misconduct, and educational programs are offered each year.

### **Education and Prevention**

Ringling College Sexual Assault Education and Prevention program is based on a wellness prevention model of sexual assault and other gender- based violence/discrimination. Focus is on educating the Ringling College of Art and Design campus community about resources available for students who have been victims/ survivors of sexual assault or other gender- based discrimination, for bystanders and secondary survivors, and for any student or staff member who wants to learn more about how to develop healthy intimate relationships.

The program helps to:

1. Educate the RCAD community.
2. Spread awareness about sexual assault.
3. Empower the student body to be proactive bystanders.
4. Create a campus climate that promotes healthy relationship behaviors and interpersonal effectiveness.

### **We are here to help**

Whether you experienced a trauma in childhood, while in college, know someone who has been victimized, have experienced any gender-based discrimination, or are having difficulty in your relationships, we are here to collaboratively support you through your recovery. It is incredibly common to experience self-blame, guilt, anxiety, depression, and feel isolated during and following these difficult experiences. We want you to know you are not alone in whatever way you are struggling. The Peterson Counseling Center is a confidential resource that is here to support you and can also be helpful in discussing your options. Talking with a counselor is not the same as filing an incident report with any other staff member and there will be no follow up investigation. You can view more information on our website at <http://health.ringling.edu> or call us at 941-893-2855 to setup an appointment. For more information on filing a Title IX incident report please contact Student Life or the College's Title IX Coordinator.

### **Annual Programming and Events**

The College sponsors several campus events each year and programs throughout the year to provide education and spread awareness. For a list of these events, please visit the Ringling website at [Health Services](#).

**Bystander Intervention** means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitates violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Safe and positive options are available for bystanders to prevent harm or to intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking.

Available bystander intervention strategies can include but are not limited to:

- Asking a victim if he/she is okay;
- Getting help;
- Use a distraction in an effort to stop an individual's activities;

- Asking a friend in a potentially dangerous situation if he/she wants to leave;
- Ask another bystander, or a number of other bystanders to intervene with you ONLY if it is safe to do so; and,
- Notify law enforcement by calling 911.

**Risk Reduction** means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

To keep up to date with new or changed policies, please monitor [ringling.edu/titleix](http://ringling.edu/titleix). As new policies are adopted or changes are made to them, the campus will also be notified.

## Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Ringling College of Art and Design prohibits dating violence, domestic violence, sexual assault and stalking as they are defined for purposes of the Clery Act. The Clery Act defines the crimes of Domestic Violence, Dating Violence, Sexual Assault and Stalking as follows:

### 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 purposes of this definition, dating violence includes but is not limited to, sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

### Domestic Violence

A felony or misdemeanor crime of violence committed: By a current or former spouse or intimate partner of the victim;

- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or,
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### Sexual Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## **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.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## **Jurisdictional Definitions of Consent, Domestic Violence, Dating Violence, Sexual Assault, And Stalking**

If a student wishes to report to local law enforcement, Ringling College will assist the student in this process. Florida law defines these terms as followed:

### **Consent**

Fla. Stat. 794.011

Florida defines consent within its sexual battery statute as follows: "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.

### **Sexual Assault**

Rape and sexual assault are called "battery" under Florida criminal law. Fla. Stat. 794.011, Sexual battery

#### **1. As used in this chapter:**

- 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.
- 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.
- 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.
- Offender means a person accused of a sexual offense in violation of a provision of this chapter.
- Physically helpless means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.
- Retaliation includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.
- Serious personal injury means great bodily harm or pain, permanent disability, or permanent disfigurement.
- 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.

- Victim means a person who has been the object of a sexual offense.
  - Physically incapacitated means bodily impaired or handicapped and substantially limited in ability to resist or flee.
2. 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 does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.08(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, punishable as provided in ss. 775.082 and 921.141. (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, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.
  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, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.
  4. A person who commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the following circumstances, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115:
    - When the victim is physically helpless to resist.
    - When 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.
    - When 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.
    - When 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 which mentally or physically incapacitates the victim.
    - When the victim is mentally defective and the offender has reason to believe this or has actual knowledge of this fact.
    - When the victim is physically incapacitated.
    - When the offender is a law enforcement officer, correctional officer, or correctional probation officer as defined by s. 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified under the provisions of 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. 3, s. 775.084, or s. 794.0115.
  6. The offense described in subsection (5) is included in any sexual battery offense charged under subsection (3) or subsection (4).
  7. A person who is convicted of committing a sexual battery on or after October 1, 1992, is not eligible for basic gain-time under s. 944.275. This subsection may be cited as the "Junny Rios-Martinez, Jr. Act of 1992."
  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:
    - Solicits that person to engage in any act which would constitute sexual battery under paragraph (1)(h) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
    - Engages in any act with that person while the person is 12 years of age or older but less than 18 years of age which constitutes sexual battery under paragraph (1)(h) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
    - 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, punishable pursuant to subsection (2).

9. For prosecution under paragraph (4) (g), 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. Any person who falsely accuses any person listed in paragraph (4)(g) or other person in a position of control or authority as an agent or employee of government of violating paragraph (4)(g) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. 794.0115.
11. Common-law presumption relating to age abolished.—The common-law rule “that a boy under 14 years of age is conclusively presumed to be incapable of committing the crime of rape” shall not be in force in this state.
12. 794.021 Ignorance or belief as to victim’s age no defense.—When, in this chapter, the criminality of conduct depends upon the victim’s being below a certain specified age, ignorance of the age is no defense. Neither shall misrepresentation of age by such person nor a bona fide belief that such person is over the specified age be a defense.
13. 794.023 Sexual battery by multiple perpetrators; reclassification of offenses.— (1) The Legislature finds that an act of sexual battery, when committed by more than one person, presents a great danger to the public and is extremely offensive to civilized society. It is therefore the intent of the Legislature to reclassify offenses for acts of sexual battery committed by more than one person. (2) A violation of s. 794.011 shall be reclassified as provided in this subsection if it is charged and proven by the prosecution that, during the same criminal transaction or episode, more than one person committed an act of sexual battery on the same victim. (a) A felony of the second degree is reclassified to a felony of the first degree. (b) A felony of the first degree is reclassified to a life felony. This subsection does not apply to life felonies or capital felonies. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.
14. 794.05 Unlawful sexual activity with certain minors.— (1) A person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s.775.084. As used in this section, “sexual activity” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; however, sexual activity does not include an act done for a bona fide medical purpose. (2) The provisions of this section do not apply to a person 16 or 17 years of age who has had the disabilities of nonage removed under chapter 743. (3) The victim’s prior sexual conduct is not a relevant issue in a prosecution under this section. (4) If an offense under this section directly results in the victim giving birth to a child, paternity of that child shall be established as described in chapter 742. If it is determined that the offender is the father of the child, the offender must pay.

## **Domestic Violence**

Fla. Stat. 741.28 Domestic violence; definitions.—As used in ss. 741.28-741.31:

- Department means the Florida Department of Law Enforcement.
- 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.
- 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.

## **Dating Violence**

Fla. Stat. 784.046

- 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:

- A dating relationship must have existed within the past 6 months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and,
- 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.

## Stalking

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

1. As used in this section, the term:
  - 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.
  - 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.
  - 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.
  - Cyber stalk 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 cyber stalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
3. A person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
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 cyber stalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
5. A person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks a child under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
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.
7. A person who, after having been sentenced for a violation of s. 794.011, s. 800.04, or s. 847.0135(5) and prohibited from contacting the victim of the offense under s. 921.244, willfully, maliciously, and repeatedly follows, harasses, or cyber stalks the victim commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

The punishment imposed under this section shall run consecutive to any former sentence imposed for a conviction for any offense under s. 794.011, s. 800.04, or s. 847.0135(5).

## Non-Harassment Policy

Ringling College of Art and Design strives to maintain a professional work and academic environment in which all employees and students are treated with respect and dignity. A vital element of this atmosphere is the College's commitment to equal opportunities and the eradication of discriminatory practices including

harassment, with the goal to provide an academic and institutional climate of non-harassment. Forms of harassment that are encompassed by this policy include harassment based on sex, age, gender, color, race, national or ethnic origin, religion, marital status, sexual orientation, gender identity or expression, pregnancy, disability, veteran status, genetic information, or any other basis prohibited by law ("Protected Traits").

Harassment on the basis of a Protected Trait is specifically prohibited by state and federal law and instances of harassment may result in both civil and criminal liability on the part of the individual harasser as well as the College. Harassment's destructive impact wastes human potential, demoralizes employees and students, and perpetuates the tendency for further unacceptable behavior. For these reasons, the College is opposed to harassment in any form in its workplace and activities. This policy establishes procedures to address problems and questions regarding harassment in a prompt, discreet and fair manner. All employees and students are expected to comply and cooperate with its provisions and in accordance with the code of professional ethics.

**Harassment:** For purposes of this policy, Harassment is defined as conduct on the basis of a Protected Trait when:

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

**Sexual Harassment:** Due to the inherent complexity of sexual harassment and harassment on the basis of sex, gender, or sexual orientation, the College maintains a Sexual Misconduct and Title IX Policy to address reports and formal complaints of sexual harassment, including sexual assault, dating violence, domestic violence, and stalking. All complaints regarding Prohibited Conduct under the Sexual Misconduct and Title IX Policy, including sexual harassment and harassment on the basis of sex, gender, or sexual orientation, will be handled pursuant to that Policy. Individuals who have experienced this type of conduct are encouraged to contact a Title IX Coordinator for more information about supportive measures, available resources, reporting to law enforcement if desired, and the formal complaint process for investigating and adjudicating sexual harassment and harassment on the basis of sex, gender, or sexual orientation:

Title IX Coordinator:

Tracy Wagner – Executive Vice President  
Office location: Keating Center, First Floor  
2700 N. Tamiami Trail, Sarasota, FL 34234  
**(941) 359-7595** [twagner@ringling.edu](mailto:twagner@ringling.edu)

Deputy Title IX Coordinators (Students):

Dr. Tammy S. Walsh – Vice President for Student Life and Dean of Students  
Office location: Ulla Searing Student Center, Second Floor  
2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 359-7510 [twalsh@ringling.edu](mailto:twalsh@ringling.edu)

Jekeyma Robinson – Associate Dean of Students for Student Development  
Office location: Ulla Searing Student Center, Second Floor  
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234  
(941) 309-4375 [jrobinso@ringling.edu](mailto:jrobinso@ringling.edu)

Deputy Title IX Coordinator (Faculty and Staff):

Darren Mathews, Assistant Vice President and Director of Human Resources

Office location: Verman Kimbrough Bldg, First Floor  
2700 N. Tamiami Trail, Sarasota, FL 34234  
**(941) 359-7619** [dmathews@ringling.edu](mailto:dmathews@ringling.edu)

Relationships: Within this section, the following terms and definitions apply:

6. Affiliated Individuals. Employees, trustees, and vendors.
7. Employee. Faculty member (full-time, part-time, or adjunct; regular or visiting) or staff member (exempt or non-exempt; full-time or part-time; regular, casual, or temporary).
8. Trustees. Member or Honorary Life Member of the Board of Trustees.
9. Vendors. Organizations or individuals engaged in a contractual relationship with the College to execute a specific function such as food service, custodial service, other services or to provide temporary staffing services.
10. Student-staff. Undergraduate students enrolled in the College who are employed by the College, (e.g. resident assistant, teaching assistant, tutors).

For the purposes of this section of the policy, a “relationship” is defined as a single romantic date or sexual encounter.

Relationships between Affiliated Individuals and Students. All affiliated individuals are prohibited from initiating, engaging in, or attempting to engage in, sexual or dating relationships with any PreCollege or degree-seeking student. An affiliated individual involved in a sexual or dating relationship with a student which began prior to their engagement with the College or implementation of this policy is exempt from this prohibition, as is an employee whose spouse or domestic partner is a student. However, the relationship must be disclosed as outlined in the paragraph below (Disclosures) so that appropriate action, such as changing the reporting or grading structure, can be taken.

Relationships between Individuals in a Supervisory Relationship. All affiliated individuals and student-staff are prohibited from engaging in sexual or dating relationships with anyone under their direct supervision or whom they officially evaluate or mentor. They are further prohibited from officially supervising, evaluating, or mentoring anyone with whom they have had a relationship in the past, regardless of the consensual nature of the relationship. If such a relationship develops or exists, the relationship may be disclosed by anyone, but must be disclosed by the supervisor, evaluator, or mentor as outlined in the paragraph below (Disclosures) so that appropriate action, such as changing the reporting structure, can be taken.

Other relationships. Sexual and dating relationships in which there is a power differential, even when the differential does not fall into one of the above categories, may raise questions of sexual harassment or suspicions of unprofessional conduct (e.g. conflict of interest, abuse of authority, favoritism, and unfair treatment). For this reason, even relationships that are not officially supervisory or mentoring in nature may require extra sensitivity where such a power differential occurs. In particular, even though student-staff may not think of themselves as being in a position of authority over other students, by virtue of their responsibilities, they should recognize their experience, role in policy enforcement, or access to tools, equipment, and studio time may result in their being viewed as having more power in a relationship. Anyone concerned that issues described in this paragraph have developed (or may develop) in a relationship they are aware of or a part of is encouraged to seek guidance from the Title IX Coordinator or Deputy Coordinators.

Disclosures. All disclosures of existing relationships and reports of concerns should be made to the Title IX Coordinator or Deputy Coordinators. The Title IX Coordinators, at their discretion, may inform the appropriate supervisor and/or the Director of Human Resources (for matters involving staff and/or student-staff), the Vice President of Student Life and Dean of Students (for matters involving student-staff), or the Vice President of Academic Affairs (for matters involving faculty) about a disclosed relationship.

Disclosed relationships will be addressed outside of this policy on a case-by-case basis unless the report contains information which would support a violation of this policy.

The Human Rights Committee: The Human Rights Committee is a fact-finding committee whose purpose is to respond to and resolve harassment complaints, except as otherwise indicated in the Sexual Misconduct Policy. The Committee is a standing committee appointed by the President and comprised of three faculty

members, two staff members, and two students. The student members of the Committee will participate only in those cases where other students are involved. The Director of Human Resources will serve as coordinator without vote. If the complaint should be against the Director of Human Resources, one of the committee members is to serve as the coordinator, with vote. If all members of the Human Rights Committee must be recused due to concerns about bias and/or impartiality, the Director of Human Resources or designee may appoint an external individual to perform the duties of the Committee.

Student to Student Harassment: Student-to-Student harassment complaints are to be processed under the disciplinary procedure established and operated by the Office of Student Life, except as otherwise indicated in the Sexual Misconduct Policy. All other harassment complaints are to be processed by the procedures outlined in this policy.

"On Notice" Option of Complaint: Individuals who feel they have been harassed may choose to put the offender "on notice" that the offender's behavior is unwelcome. Often this direct communication by the individual brings a stop to the harassment, and no further action is necessary.

Use of the "on notice" option is not a prerequisite to initiating the complaint procedures set forth in this policy, and the College will not refuse to investigate a complaint on the grounds that the complainant did not have a discussion with the offender.

In other words, the complainant always retains the right to avoid direct interaction with the offender and to initiate the complaint procedure explained in this policy.

Procedures for Informal Complaint: Individuals who believe they have experienced harassment that does not fall under the Sexual Misconduct Policy may seek an informal resolution of the problem. Use of the informal complaint procedures is not a prerequisite to initiating a formal complaint. Informal complaints may be oral or written and directed to the Director of Human Resources or to any member of the Human Rights Committee.

Informal resolution will generally involve the Director of Human Resources or the Human Rights Committee serving as facilitator in an effort to resolve the complaint. The respondent will be informed of the existence and nature of the informal complaint and will have an opportunity to respond. The Human Rights Committee or the Director of Human Resources, serving as intermediaries, will seek a resolution that both the complainant and the respondent can agree upon. If no mutually satisfactory resolution can be found, the Human Rights Committee, the Director of Human Resources, and/or the complainant can decide if further action is appropriate.

Procedures for a Formal Complaint: Harassment complaints that do not fall under the Sexual Misconduct and Title IX Policy are to be directed to the Director of Human Resources or to a member of the Human Rights Committee. The Director of Human Resources or the contact person on the Committee will prepare a written record of the individual's factual allegations which the complainant will then have the opportunity to review before signing. Although complaints should be brought as soon as possible, preferably within six months after an offensive incident, the College recognizes that the sensitivity involved in certain situations may cause individuals to delay taking action.

Once the initial complaint is prepared, the Director of Human Resources or the contact person on the Committee shall convene the entire Human Rights Committee to review the complaint, and to conduct an appropriate investigation of the allegations. This investigation may be limited to informal resolution and a negotiated agreement between the complainant and the respondent, which requires the approval of the Director of Human Resources or a designee. If an informal resolution is not achieved, a designated member of the Human Rights Committee will prepare a report based on the evidence collected containing the Committee's findings and conclusions.

Possible outcomes of the investigation are that the allegations are substantiated, or that allegations are not substantiated. A preponderance of the evidence standard is used to determine whether allegations are substantiated. In the event the allegations are substantiated, the Director of Human Resources or the Human Rights Committee may endeavor, through informal resolution, to reach a negotiated agreement of the sanctions and/or remedies to be imposed; any such sanctions or remedies must be approved by the Director.

of Human Resources or designee.

If a negotiated agreement cannot be reached, the Human Rights Committee will refer the matter to the College's Vice Presidents for resolution. The Vice Presidents will not reopen a completed investigation unless it can be shown that the investigating individuals made specific errors in reviewing the facts. The Vice Presidents will consider the findings and recommendations of the Human Rights Committee and, in consultation with the President, render a decision. Decisions will be made using the preponderance of evidence standard (i.e. it is more likely than not that the alleged conduct occurred).

Protection of Complainant and Others: All information regarding harassment allegations will be kept in confidence to the greatest extent practicable and appropriate under the circumstances. The College cannot guarantee that the identity of the complainant will be concealed from the respondent, but any retaliation committed by the respondent by way of irresponsible, malicious or unfounded complaints will be investigated. If an investigation reveals that the complainant falsely accused another of harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions and/or discipline.

In order to ensure that a complete investigation of harassment claims can be conducted it may be necessary for the College to disclose to others portions of the information provided by the complainant. The College will try to honor any complainant's request that the College not disclose certain information provided, consistent with the College's obligation to identify and correct instances of harassment.

Penalties: Every claim of harassment will be considered on its own merits. The College will take whatever corrective action and/or disciplinary measures it considers appropriate under the circumstances, including but not limited to counseling, reprimand, probation, suspension, transfer, demotion or immediate termination of an employee or student in accordance with the provisions, policies and procedures outlined in the appropriate Faculty, Staff or Student Handbook.

Approved by President Larry R. Thompson, August 14, 2020

Approved by the Board of Trustees, November 12, 2020

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Revision approved by Board of Trustees April 20, 2023

## Non-Discrimination Policy

Ringling College of Art and Design does not discriminate on the basis of sex, age, gender, color, race, national or ethnic origin, religion, marital status, sexual orientation, gender identity or expression, pregnancy, disability, veteran status, genetic information, or any other basis prohibited by law ("Protected Trait"), in its programs or activities.

No person, because of a Protected Trait, will be excluded from participation in, or denied the benefits of or access to any educational program or activity provided by the College, except as may be explicitly permitted by law. This is not only the policy of the College, it is also the mandate under applicable federal and state laws and includes the administration of its educational policies, admissions policies, scholarship and loan programs, and other College administered programs.

The College's programs and activities are conducted in compliance with Section 504 of the Rehabilitation Act of 1973, as amended, with the Americans with Disabilities Act of 1990, as amended, Title VI of the Civil Rights Act of 1964, as amended, the Genetic Information Nondiscrimination Act, and with Title IX of the Education Amendments of 1972, as well as other state and federal laws protecting the Protected Traits listed above. The College is an equal opportunity educational institution.

The College does not discriminate on the basis of sex in its education programs and activities, or in the context of employment. Sexual harassment, including sexual assault, dating violence, domestic violence, and stalking, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. (See Ringling College of Art and Design Sexual Misconduct and Title IX Policy). Title IX requires that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964 and other applicable statutes.

Anyone engaging in practices that violate the Non-Discrimination Policy, including discrimination, harassment or retaliation against someone who complains about discrimination, will be subject to disciplinary action, up to and including expulsion or separation from the College. Anyone who believes he or she has been subjected to unlawful discrimination, harassment, retaliation or other practices in violation of the Non-Discrimination policy should immediately contact the Title IX Coordinator or Deputy Title IX Coordinator, as listed below.

### Inquiries

Inquiries regarding compliance with these statutes and referrals to designated coordinators under the ADA/ Section 504 and Title IX may be directed to Dr. Tracy Wagner, Title IX Coordinator, or to the Director of the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-1100, 1-800-421-3481. TDD 877-521-2172.

### Procedures for Discrimination Complaints

Cases falling under the jurisdiction of the Sexual Misconduct and Title IX Policy will be handled according to that policy. All other discrimination concerns will be handled pursuant to the procedures outlined here.

Cases alleged against student respondents will be processed under the Student Code of Conduct system. Cases alleged against other respondents (including faculty, staff, and others) will be handled pursuant to the procedures outlined in the Non-Harassment Policy.

The Title IX Coordinator and Deputy Coordinators will assist any individual wishing to inquire, make a report or a complaint and will provide information concerning the options for resolving a report under this policy.

The Title IX Coordinator has the overall responsibility for the implementation of the Title IX program at Ringling College. Darren Mathews, Deputy Title IX Coordinator, oversees the administration of grievance procedures for faculty and staff and coordinates training, education and communication of College discrimination and harassment policies to employees. Dr. Tammy Walsh, Deputy Title IX Coordinator, oversees the administration of the grievance procedures for students and coordinates training, education, and communication to students.

Title IX Coordinator  
Dr. Tracy Wagner, Executive Vice President  
Office Location: Office of the President, Keating Center, First floor  
2700 N. Tamiami Trail  
Sarasota, FL 34234  
941-359-7595 [twagner@ringling.edu](mailto:twagner@ringling.edu)

Deputy Title IX Coordinator  
Dr. Tammy S. Walsh  
Vice President for Student Life and Dean of Students  
Office Location: Ulla Searing Center, Second floor  
2700 N. Tamiami Trail  
Sarasota, FL 34234  
941-359-7510 [twalsh@ringling.edu](mailto:twalsh@ringling.edu)

Deputy Title IX Coordinator  
Jekeyma Robinson  
Associate Dean of Students for Student Development

Office location: Ulla Searing Student Center, Second Floor  
2700 N. Tamiami Trail  
Sarasota, FL 34234  
941-309-4375  
[jrobinso@ringling.edu](mailto:jrobinso@ringling.edu)

Deputy Title IX Coordinator  
Darren Mathews  
Director of Human Resources  
Office Location: Verman Kimbrough Bldg., First Floor  
2700 N. Tamiami Trail  
Sarasota, FL 34234  
941-359-7619  
[dmathews@ringling.edu](mailto:dmathews@ringling.edu)

Revision Approved by President Larry R. Thompson August 14, 2020  
Approved by the Board of Trustees, November 12, 2020  
Updated 6/1/2021  
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## Campus Reporting Authority Policy

The “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” requires the College to collect crime data from the local police and campus security authorities.

The Clery Act mandates that institutions must disclose statistics both for crimes reported to local police agencies and crimes reported to campus security authorities. The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many individuals, students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

The function of a campus security authority is to report to the Office of Public Safety, those allegations of Clery Act crimes that he or she concludes are made in good faith. A campus security authority is not responsible for determining authoritatively whether a crime took place—that is the function of law enforcement personnel.

Once a report is received, it must be forwarded to the Office of Public Safety, at which time a Public Safety Officer will assist you in determining what information should be reported, and work with you to maintain the confidentiality of the individual(s) involved. Reports filed in this manner are counted in the crime statistics for the College, but the identity of the victim is kept confidential.

### **The Clery Act regulations define a campus security authority as:**

- A member of a campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but do not constitute a campus police department or a campus security department (e.g., an individual who is responsible
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

A Campus Security Authority official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. The Clery Act does not designate specific titles as security authorities. A security authority is identified by the function performed by the individual or organization. The function must involve relationships with students. Campus Security Authorities cannot delegate this responsibility.

### **Campus Security Authorities at the Ringling College of Art and Design includes:**

- All employees of the Office of Public Safety
- Faculty Advisors to Student Organizations
- Associate Deans of Student Life
- Residence Life Administrators
- All on-call employees with the Office of Student Life staff (except mental health counselors)
- Resident Assistants
- All other administrators as defined in the Clery Act definition In certain instances, a crime victim may be reluctant to file a report fearing the process and/or loss of his/her anonymity. In such circumstances, crime victims are encouraged to consider making

In certain instances, a crime victim may be reluctant to file a report fearing the process and/or loss of his/her anonymity. In such circumstances, crime victims are encouraged to consider making a confidential report to one of the designated campus security authorities. At a minimum, crime victims will receive valuable counseling and referral information. Confidential reports are important because they provide valuable information that will enhance the safety of the community-at-large and will provide a more accurate portrait of actual campus crime.

Remember, help is available. All you need to do is ask.

## Pastoral and Professional Counselors (Crime Reporting)

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and are not required to report crimes for the inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis to DPSEP for inclusion into the annual crime statistics. It should be noted that an institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor. The rulemaking committee defines counselors as:

- Pastoral Counselor - An employee of the institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.
- Professional Counselor - An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

## Notifications to Victims of Crimes of Violence

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

## Megan's Law Website

<https://offender.fdle.state.fl.us/offender/sops/home.jsf>

Florida's legislature has determined that public safety will be enhanced by making information about registered sex offenders available to the public through the internet. Knowledge as to whether a person is a registered sex offender could be a significant factor in protecting yourself and your family members, or those in care of a group or community organization, from recidivist acts by registered sex offenders.

The technology afforded by the internet makes information on registered sex offenders readily accessible to

the public, enabling them to undertake appropriate remedial precautions to prevent or avoid placing potential victims at risk. Public access to information about registered sex offenders is intended solely as a means of public protection.

## Title IX/VAWA Training

The Violence Against Women Act amendments to the Clery Act require that certain college officials charged with responding to sexual assault, domestic violence, dating violence, and stalking be trained annually in a number of areas. This college/university is a member of the SUNY Student Conduct Institute. As part of that membership, covered administrators who investigate or conduct proceedings to address allegations of dating violence, domestic violence, sexual assault and stalking receive at least eight hours of training annually through attendance at the *NASPA Title IX Training Certificate Program* and/or at the *SUNY Student Conduct Institute's Basic Compliance Training and/or live Advanced Trainings and/or digital Basic or Advanced Trainings and/or Brickler & Eckler's Advanced Title IX trainings*. These in-person and digital courses address topics including how to determine the relevancy of evidence and use it during the proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. These trainings also address how to conduct an investigation and hearing process that protects the safety of victims, properly employs trauma-informed practice, and promotes accountability, while protecting the due process rights of the respondent. Finally, these trainings provide comprehensive reviews of federal and state laws and regulations on point as well as relevant court and administrative opinions.

## RCAD Public Safety - 2022, 2021, 2020 Crime Statistics

2022 Criminal Offenses	On Campus		On Campus (Total)	Non Campus	Public Property
	Student Housing	Other			
<b>CRIMINAL HOMICIDE</b>					
MURDER/NONNEGLIGENT MANSLAUGHTER	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0
<b>SEX OFFENSES</b>					
SEX OFFENSE FONDLING	0	1	0	0	0
SEX OFFENSE INCEST	0	0	0	0	0
SEX OFFENSE RAPE	3	0	3	1	0
SEX OFFENSE STATUTORY RAPE	0	0	0	0	0
ROBBERY	0	0	0	0	1
AGGRAVATED ASSAULT	0	0	0	0	0
BURGLARY	0	1	1	0	0
MOTOR VEHICLE THEFT	0	1	1	0	0
ARSON	0	0	0	0	0
UNFOUNDED CRIMES TOTAL: 0					

2021 Criminal Offenses	On Campus		On Campus (Total)	Non Campus	Public Property
	Student Housing	Other			
<b>CRIMINAL HOMICIDE</b>					
MURDER/NONNEGLIGENT MANSLAUGHTER	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0
<b>SEX OFFENSES</b>					
SEX OFFENSE FONDLING	0	1	1	0	1
SEX OFFENSE INCEST	0	0	0	0	0
SEX OFFENSE RAPE	2	0	2	0	0
SEX OFFENSE STATUTORY RAPE	0	0	0	0	0

2021 Criminal Offenses	On Campus		On Campus (Total)	Non Campus	Public Property
ROBBERY	0	1	1	0	0
AGGRAVATED ASSAULT	0	0	0	0	0
BURGLARY	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	1
ARSON	0	0	0	0	0
UNFOUNDED CRIMES TOTAL: 0					

2020 Criminal Offenses	On Campus		On Campus (Total)	Non Campus	Public Property
	Student Housing	Other			
<b>CRIMINAL HOMICIDE</b>					
MURDER/NONNEGLIGENT MANSLAUGHTER	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0
<b>SEX OFFENSES</b>					
SEX OFFENSE FONDLING	0	0	1	0	1
SEX OFFENSE INCEST	0	0	0	0	0
SEX OFFENSE RAPE	0	0	2	0	0
SEX OFFENSE STATUTORY RAPE	0	0	0	0	0
ROBBERY	0	0	1	0	0
AGGRAVATED ASSAULT	9	0	9	0	0
BURGLARY	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	2
ARSON	0	0	0	0	0
UNFOUNDED CRIMES TOTAL:0					

2022 Arrest and Judicial Referrals	On Campus		On Campus (Total)	Non Campus
	Student Housing	Other		
<b>ARRESTS</b>				
LIQUOR LAW VIOLATIONS	0	0	0	0
DRUG LAW VIOLATIONS	0	0	0	0
ILLEGAL WEAPONS POSSESSION	0	0	0	0
<b>JUDICIAL REFFERRALS</b>				
LIQUOR LAW VIOLATIONS	3	0	3	0
DRUG LAW VIOLATIONS	0	0	0	0
ILLEGAL WEAPONS POSSESSION	0	0	0	0

2021 Arrest and Judicial Referrals	On Campus		On Campus (Total)	Non Campus	Public Property
	Student Housing	Other			
<b>ARRESTS</b>					
LIQUOR LAW VIOLATIONS	0	0	0	0	0
DRUG LAW VIOLATIONS	0	0	0	0	1
ILLEGAL WEAPONS POSSESSIONS	0	0	0	0	0
<b>JUDICIAL REFFERRALS</b>					
LIQUOR LAW VIOLATIONS	0	18	18	0	0
DRUG LAW VIOLATIONS	5	0	5	0	0
ILLEGAL WEAPONS POSSESSIONS	0	0	0	0	0

2020 Arrest and Judicial Referrals	On Campus		On Campus (Total)	Non Campus	Public Property
	Student Housing	Other			
<b>ARRESTS</b>					
LIQUOR LAW VIOLATIONS	0	0	0	0	0
DRUG LAW VIOLATIONS	0	0	0	0	1
ILLEGAL WEAPONS POSSESSIONS	0	0	0	0	1
<b>JUDICIAL REFFERRALS</b>					
LIQUOR LAW VIOLATIONS	4	0	4	0	0
DRUG LAW VIOLATIONS	6	0	6	0	0
ILLEGAL WEAPONS POSSESSIONS	0	0	0	0	0

## ON CAMPUS

### Clery Hate Crimes Statistics

2022 ON CAMPUS	Category of Hate Crime							
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
MURDER/ NONNEGLIGENT	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0
<b>TOTALS</b>	0	0	0	0	0	0	0	0

2021 ON CAMPUS	Category of Hate Crime							
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
MURDER/ NONNEGLIGENT	0	0	0	0	0	0	0	0

2021 ON CAMPUS	Category of Hate Crime							
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0
<b>TOTALS</b>	0	0	0	0	0	0	0	0

2020 ON CAMPUS	Category of Hate Crime							
<b>Clery Act Reportable Offenses</b>	<b>Race</b>	<b>Gender</b>	<b>Religion</b>	<b>Sexuality</b>	<b>Ethnicity</b>	<b>Disability</b>	<b>National Origin</b>	<b>Gender Identity</b>
MURDER/ NONNEGLIGENT	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0

2020 ON CAMPUS	Category of Hate Crime							
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0
<b>TOTALS</b>	0	0	0	0	0	0	0	0

## NON CAMPUS

### Clery Hate Crime Statistics

2022 NON CAMPUS	Category of Hate Crime							
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
MURDER/ NONNEGLIGENT	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0
<b>TOTALS</b>	0	0	0	0	0	0	0	0

2021 NON CAMPUS	Category of Hate Crime							
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
MURDER/ NONNEGLIGENT	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0

<b>2021 NON CAMPUS</b>	<b>Category of Hate Crime</b>							
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0
<b>TOTALS</b>	0	0	0	0	0	0	0	0

<b>2020 NON CAMPUS</b>	<b>Category of Hate Crime</b>							
<b>Clery Act Reportable Offenses</b>	<b>Race</b>	<b>Gender</b>	<b>Religion</b>	<b>Sexuality</b>	<b>Ethnicity</b>	<b>Disability</b>	<b>National Origin</b>	<b>Gender Identity</b>
MURDER/ NONNEGLIGENT	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0
<b>TOTALS</b>	0	0	0	0	0	0	0	0

## PUBLIC PROPERTY

### Clery Hate Crime Statistics

2022 PUBLIC PROPERTY	Category of Hate Crime							
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
MURDER/ NONNEGLIGENT							0	0
NEGLIGENT MANSLAUGHTER							0	0
SEX OFFENSE: FONDLING							0	0
SEX OFFENSE: INCEST							0	0
SEX OFFENSE: RAPE							0	0
SEX OFFENSE: STATUTORY							0	0
ROBBERY							0	0
AGGRAVATED ASSAULT							0	0
BURGLARY							0	0
MOTOR VEHICLE THEFT							0	0
ARSON							0	0
ANY OTHER CRIME INVOLVING							0	0
SIMPLE ASSAULT							0	0
INTIMIDATION							0	0
LARCENY							0	0
DESTRUCTION OF PROPERTY							0	0
<b>TOTALS</b>							0	0

2021 PUBLIC PROPERTY	Category of Hate Crime							
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
MURDER/ NONNEGLIGENT	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0

2021 PUBLIC PROPERTY	Category of Hate Crime							
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0
<b>TOTALS</b>	0	0	0	0	0	0	0	0

2020 PUBLIC PROPERTY	Category of Hate Crime							
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
MURDER/ NONNEGLIGENT	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0
<b>TOTALS</b>	0	0	0	0	0	0	0	0

2022 VAWA	On Campus		On Campus (Total)	Non Campus	Public Property
	Student Housing	Other			
<b>VAWA Crimes</b>					
Dating Violence	1	0	1	0	0
Domestic Violence	0	0	0	0	0
Stalking	0	1	1	0	0

2021 VAWA	On Campus		On Campus (Total)	Non Campus	Public Property
	Student Housing	Other			
<b>VAWA Crimes</b>					
Dating Violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Stalking	0	0	0	0	0

2020 VAWA	On Campus		On Campus (Total)	Non Campus	Public Property
	Student Housing	Other			
<b>VAWA Crimes</b>					
Dating Violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Stalking	0	0	0	0	0

### **Hate Crimes:**

2020: No Hate Crimes Reported

2021: No Hate Crimes Reported

2022: No Hate Crimes Reported

### **Unfounded Crimes:**

2020: None

2021: None

2022: None

## **2023 Annual Fire Safety Report**

The Higher Education Opportunity Act (HEOA) requires that institutions participating in federal student financial aid programs and providing on-campus housing facilities publish an Annual Fire Safety Report. The report contains information with respect to the campus fire safety practices and standards of that institution.

Ringling College of Art and Design complies with this regulation by including all fire related incidents at on-campus students housing facilities as part of the Annual Security & Fire Safety Report. Information contained in this report includes the number of fire related deaths & injuries; value of fire-related property damage; information on evacuation procedures and fire safety education and training programs; fire safety systems in each student housing facility; the number of regular mandatory supervised fire drills; and policies on portable electrical appliances, smoking, and open flames.

To view the most recent report, visit the Public Safety website. This report contains the fire statistics for calendar years 2020, 2021, 2022 and the policies and procedures for the academic year 2023-2024.

## **Residence Halls Policies and Procedures**

### **Appliances**

Hot plates, full-size refrigerators and any appliance with exposed elements (i.e. hot plates, George Foreman Grills) are prohibited. U.L. Approved microwaves less than 600 watts and refrigerators less than 4.0 cubic feet are allowed. No grills are permitted in any student housing.

### **Flammable Items**

Open flames such as candles, incense, and potpourri burners are not permitted in any student residence. An initial violation of this policy will result in confiscation of the materials and a written reprimand. Additional violations will result in Conduct System action and / or a fine. Please be advised that the Residence Life Staff reserves the right to confiscate candles, even if they have not been burned.

### **Smoking and Vaping**

Ringling College of Art and Design is committed to providing a safe and healthful environment for its students, faculty, staff, and visitors. Research findings show that tobacco use in general, including smoking, vaping, and breathing secondhand smoke, constitute a significant health hazard. In addition to causing direct health hazards, smoking contributes to institutional costs in other ways, including fire damage, cleaning and maintenance costs, and costs associated with employee absenteeism.

Ringling College of Art and Design therefore has set the following policy regarding tobacco use:

Smoking and vaping is prohibited on the Ringling College main campus except in outdoor designated smoking areas. Smoking and vaping is prohibited in all areas of the Museum Campus and at the Englewood Art Center. Smoking and vaping are also prohibited in all Ringling College vehicles including golf carts. For the purposes of this policy, smoking is defined as burning and vaping any type of product including, but not limited to, cigarettes, cigars, cigarillos and pipes, and additionally includes e-cigarettes and their associated products. Smoking and vaping materials will not be sold or dispensed within any property owned, leased, or controlled by Ringling College.

This policy applies to all persons including students, faculty, staff, visitors, contractors, subcontractors, and others on Ringling College property. Designated smoking areas on the main campus for smoking and vaping are identified by signage and contain receptacles for the proper disposal of cigarette butts. All students, faculty, staff, and visitors are expected to observe these designated smoking areas and to dispose of cigarette butts safely and only in the receptacles provided.

Organizers and attendees at public events, such as conferences, meetings, public lectures, social events and cultural events that use Ringling College facilities are required to abide by this policy. Organizers of such events are responsible for communicating this policy to attendees and for enforcing this policy.

Effective enforcement of this policy depends upon the courtesy, respect, and cooperation of all members of the Ringling College community.

Information about smoking and vaping cessation programs and resources is available from the Office of Student Life or the Office of Human Resources.

## **Fire Safety**

Hanging objects from sprinkler heads, pipes and electrical conduit is strictly prohibited. Live cut trees (such as Christmas trees) are not permitted anywhere in student housing.

Blocking entries and exits with furniture or personal belongings is prohibited. Stacking furniture in front of residence hall room doors is a fire hazard and could be potentially life threatening. Persons found responsible for such actions will be held accountable through the student conduct system.

## **Reporting a Fire**

If you discover a fire, you should immediately evacuate the building, sound the alarm if it isn't activated, call Public Safety or dial 9-1-1 and advise the Communications Officer of the situation. In the event the fire has been extinguished, you should contact Public Safety and make them aware of the incident. All fires, or evidence of past fires, should be reported to Public Safety to ensure inclusion in the annual fire statistics published as part of this Annual Security and Fire Safety Report.

## **Policies Students and Employees Should Follow In Case of a Fire**

***When a fire alarm sounds in campus housing units, it is mandatory for all students to evacuate the building according to the prescribed fire emergency procedures.*** Your worst enemy during a fire is smoke. If you are surrounded by smoke, get down on the floor and crawl to safety. Hold your breath and close your eyes if you can. Close doors behind you as you escape. Always use stairs to escape. Never use an elevator.

Here are a few simple fire safety tips:

- Know what your fire alarm sounds like.
- Feel the door for heat – if it is hot, do not open it! Remain in the room. Place a towel in the airspace under the door. Go to the window and wave an article of clothing until a fire fighter reaches you. If the door is not hot, lock the door, and move quickly to the nearest fire exit.
- Exit the building as safely and quickly as possible from the nearest exit. (In any building, you should know where at least two exits are.) Know where pull stations are located.
- When you see a fire, sound the alarm.
- Contact Public Safety at 941-359-7500 or 9-1-1 to report any fire.
- Be prepared to identify the size of the fire and location.
- Close all doors as you leave the building.
- Do not use the elevators for any reason.
- If you need assistance, develop a buddy plan with someone else to help expedite safe exit.
- Notify others in the immediate area about the fire as you are leaving.
- Do not enter a building that is on fire or that the fire alarm is sounding in.
- Do not re-enter a building that you have evacuated for any reason.
- Never prop open or lock a fire exit door.
- Report any vandalism to any of the fire safety equipment in your building.
- Do not re-enter the building under any circumstances until directed to do so by the Residence Life staff or a Public Safety Officer.

### **Student Housing Evacuation Procedures**

If a fire occurs, students are instructed to leave hazardous areas per the evacuation routes and get to a predetermined location before calling 9-1-1 and Public Safety for help. In the event of a fire in the residence hall, community members should quickly shut the door to their room and proceed to the nearest exit where they can leave the building safely. If the alarm hasn't sounded, activate the nearest pull station if you can do so safely. Once outside the building call 9-1-1 and notify the fire department of the emergency. If possible, contact Public Safety at 941-359-7500. Do not use an elevator while the alarm is activated. Upon exiting your residence hall, proceed to the evacuation gathering points.

### **Fire Safety Education and Training**

During the first week of school, students living in College housing meet with their Residence Hall Assistants or professional staff personnel. During that initial meeting, they are told what actions to take during a fire, where the exits are located, and where the reunification areas are for each area.

### **Fire Drills**

Each semester Public Safety and Residential Life work together to conduct fire drills at most Residence Halls (as specified in the report below). During the drills, the alarms are sounded and staff members make a check of every residence hall room to verify all students have exited the buildings.

### **Fire Alarm Systems & Safety**

Tampering with fire alarms, fire extinguishers or any other fire equipment is a third-degree crime. Any person found responsible for such actions may be subjected to a fine of up to \$500. In addition to potential criminal charges, students engaging in this behavior will be referred for disciplinary action and / or civil prosecution that may result in separation from the College.

### **Future Improvements**

As we continue to add and upgrade our facilities, the College will continue to explore ways to improve our fire safety.

## Ringling College of Art and Design Residential Facilities Fire Safety Information: Residence Halls and Apartments

Residence Halls and Apartments	FACP Monitored	Sprinkler System	Smoke Detectors	Fire Extinguishers	Evacuation Placards	Number of Fire Drills/ Year
Keating Hall	Yes	Yes*	Yes	Yes	No	1
Searing Student Center	Yes	Yes*	Yes	Yes	No	1
Goldstein Residence Hall	Yes	Yes*	Yes	Yes	No	1
Bayou Village Apts	Yes	Yes*	Yes	Yes	No	1
Quadrangle Apts	No	No	Yes	Yes	Yes	1
Family Housing	No	No	Yes	Yes	No	1
Whitaker Cove South	Yes	Yes*	Yes	Yes	Yes	1
Whitaker Cove North	Yes	No	Yes	Yes	Yes	1
Bridge Apts	Yes	Yes*	Yes	Yes	No	1
Greensboro Hall	Yes	Yes*	Yes	Yes	Yes	1

\*Indicates full sprinkler system with heads located in bedrooms.

## Ringling College of Art and Design Residential Facilities Fire Safety Information: Houses or Apartments

Houses or Apts	FACP Monitored	Sprinkler System	Smoke Detectors	Fire Extinguishers	Evacuation Placards	Number of Fire Drills/ Year
1100 Guilford Lane	No	No	Yes	Yes	No	0
1102 Guilford Lane	No	No	Yes	Yes	No	0
1107 Guilford Lane	No	No	Yes	Yes	No	0
1113 Guilford Lane	No	No	Yes	Yes	No	0
1123 Guilford Lane	No	No	Yes	Yes	No	0
1131 Guilford Lane	No	No	Yes	Yes	No	0
1132 Guilford Lane	No	No	Yes	Yes	No	0
1139 Guilford Lane	No	No	Yes	Yes	No	0
1141 Guilford Lane	No	No	Yes	Yes	No	0
1142 Guilford Lane	No	No	Yes	Yes	No	0
1147 Guilford Lane	No	No	Yes	Yes	No	0
1155 Guilford Lane	No	No	Yes	Yes	No	0
1158 Guilford Lane	No	No	Yes	Yes	No	0
1160 Guilford Lane	No	No	Yes	Yes	No	0
1161 Guilford Lane	No	No	Yes	Yes	No	0
1107 Greensboro Lane	No	No	Yes	Yes	No	0
1123 Greensboro Lane	No	No	Yes	Yes	No	0
1133 Greensboro Lane	No	No	Yes	Yes	No	0
1143 Greensboro Lane	No	No	Yes	Yes	No	0
1151 Greensboro Lane	No	No	Yes	Yes	No	0
1159 Greensboro Lane	No	No	Yes	Yes	No	0
1136 Patterson Dr	No	No	Yes	Yes	No	0
1172 Patterson Dr	No	No	Yes	Yes	No	0
1174 Patterson Dr	No	No	Yes	Yes	No	0
1176 Patterson Dr	No	No	Yes	Yes	No	0
1178 Patterson Dr	No	No	Yes	Yes	No	0

Houses or Apts	FACP Monitored	Sprinkler System	Smoke Detectors	Fire Extinguishers	Evacuation Placards	Number of Fire Drills/ Year
1216 31 <sup>st</sup> Street	No	No	Yes	Yes	No	0
1255 North Riverside Dr	No	No	Yes	Yes	No	0
1261 North Riverside Dr	No	No	Yes	Yes	No	0
1267 North Riverside Dr	No	No	Yes	Yes	No	0
1273 North Riverside Dr	No	No	Yes	Yes	No	0
2340 Old Bradenton Road	No	No	Yes	Yes	No	0
2911 Old Bradenton Road	No	No	Yes	Yes	No	0
2914 East Tamiami Circle	No	No	Yes	Yes	No	0
3014 East Tamiami Circle	No	No	Yes	Yes	No	0
3015 Old Bradenton Road	No	No	Yes	Yes	No	0
3022 East Tamiami Circle	No	No	Yes	Yes	No	0
3024 East Tamiami Circle	No	No	Yes	Yes	No	0
2919 Old Bradenton Road	No	No	Yes	Yes	No	0
2927 Old Bradenton Road	No	No	Yes	Yes	No	0
2930 West Place	No	No	Yes	Yes	No	0
2936 West Place	No	No	Yes	Yes	No	0
3035 Old Bradenton Road	No	No	Yes	Yes	No	0

## Fire Statistics

The Higher Education Opportunity Act, enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The fire statistics are for the three most recent calendar years.

## 2022 Fire Statistics for On-Campus Housing Facilities: Residence Halls and Apartments

Residence Halls and Apartments	Total # of fires in each building	Fire #	Cause	Injuries	Deaths	Property Damage Value
Searing Student Center	0	0		0	0	0
Goldstein Residence Hall	0	0		0	0	0
Bayou Village Apts	0	0		0	0	0
Quadrangle Apts	1	1	Grease from Cooking	1	0	2,500
Family Housing	0	0		0	0	0
Whitaker Cove South	0	0		0	0	0
Whitaker Cove North	0	0		0	0	0
Bridge Apts	0	0		0	0	0

## 2022 Fire Statistics for On-Campus Housing Facilities: Houses or Apartments

Houses or Apartments	Total # of fires in each building	Fire #	Cause	Injuries	Deaths	Property Damage Value
1100 Guilford Lane	0	0		0	0	0
1102 Guilford Lane	0	0		0	0	0

Houses or Apartments	Total # of fires in each building	Fire #	Cause	Injuries	Deaths	Property Damage Value
1107 Guilford Lane	0	0		0	0	0
1113 Guilford Lane	0	0		0	0	0
1123 Guilford Lane	0	0		0	0	0
1131 Guilford Lane						
1132 Guilford Lane	0	0		0	0	0
1139 Guilford Lane	0	0		0	0	0
1141 Guilford Lane	0	0		0	0	0
1142 Guilford Lane	0	0		0	0	0
1147 Guilford Lane	0	0		0	0	0
1155 Guilford Lane	0	0		0	0	0
1158 Guilford Lane	0	0		0	0	0
1160 Guilford Lane	0	0		0	0	0
1161 Guilford Lane	0	0		0	0	0
1107 Greensboro Lane	0	0		0	0	0
1123 Greensboro Lane	0	0		0	0	0
1133 Greensboro Lane	0	0		0	0	0
1143 Greensboro Lane	0	0		0	0	0
1151 Greensboro Lane	0	0		0	0	0
1159 Greensboro Lane	0	0		0	0	0
1136 Patterson Dr	0	0		0	0	0
1172 Patterson Dr	0	0		0	0	0
1174 Patterson Dr	0	0		0	0	0
1176 Patterson Dr	0	0		0	0	0
1178 Patterson Dr	0	0		0	0	0
1216 31st Street	0	0		0	0	0
1255 North Riverside Dr	0	0		0	0	0
1261 North Riverside Dr	0	0		0	0	0
1267 North Riverside Dr	0	0		0	0	0
1273 North Riverside Dr	0	0		0	0	0
2911 Old Bradenton Road	0	0		0	0	0
2914 East Tamiami Circle	0	0		0	0	0
3014 East Tamiami Circle	0	0		0	0	0
3015 Old Bradenton Road	0	0		0	0	0
3022 East Tamiami Circle	0	0		0	0	0
3024 East Tamiami Circle	0	0		0	0	0
2919 Old Bradenton Road	0	0		0	0	0
2927 Old Bradenton Road	0	0		0	0	0
2930 West Place	0	0		0	0	0
2936 West Place	0	0		0	0	0
3035 Old Bradenton Road	0	0		0	0	0

## 2021 Fire Statistics for On-Campus Housing Facilities: Residence Halls and Apartments

Residence Halls and Apartments	Total # of fires in each building	Fire #	Cause	Injuries	Deaths	Property Damage Value
Keating Hall	0	0		0	0	0
Searing Student Center	0	0		0	0	0
Goldstein Residence Hall	0	0		0	0	0
Bayou Village Apts	0	0		0	0	0
Quadrangle Apts	0	0		0	0	0
Family Housing	0	0		0	0	0
Whitaker Cove South	0	0		0	0	0
Whitaker Cove North	0	0		0	0	0
Bridge Apts	0	0		0	0	0

## 2021 Fire Statistics for On-Campus Housing Facilities: Houses or Apartments

Houses or Apartments	Total # of fires in each building	Fire #	Cause	Injuries	Deaths	Property Damage Value
1158 Guilford Lane	0	0		0	0	0
1160 Greensboro Lane	0	0		0	0	0
1161 Greensboro Lane	0	0		0	0	0
1107 Greensboro Lane	0	0		0	0	0
1123 Greensboro Lane	0	0		0	0	0
1133 Greensboro Lane	0	0		0	0	0
1143 Greensboro Lane	0	0		0	0	0
1151 Greensboro Lane	0	0		0	0	0
1159 Greensboro Lane	0	0		0	0	0
1136 Patterson Dr	0	0		0	0	0
1172 Patterson Dr	0	0		0	0	0
1174 Patterson Dr	0	0		0	0	0
1176 Patterson Dr	0	0		0	0	0
1178 Patterson Dr	0	0		0	0	0
1216 31 <sup>st</sup> Street	0	0		0	0	0
1255 North Riverside Dr	0	0		0	0	0
1261 North Riverside Dr	0	0		0	0	0
1267 North Riverside Dr	0	0		0	0	0
1273 North Riverside Dr	0	0		0	0	0
2911 Old Bradenton Road	0	0		0	0	0
2914 East Tamiami Circle	0	0		0	0	0
2951 East Tamiami Circle	0	0		0	0	0
2953 East Tamiami Circle	0	0		0	0	0
3007 East Tamiami Circle	0	0		0	0	0
3014 East Tamiami Circle	0	0		0	0	0
3015 Old Bradenton Road	0	0		0	0	0
3022 East Tamiami Circle	0	0		0	0	0

Houses or Apartments	Total # of fires in each building	Fire #	Cause	Injuries	Deaths	Property Damage Value
3024 East Tamiami Circle	0	0		0	0	0
3025 East Tamiami Circle	0	0		0	0	0
2919 Old Bradenton Road	0	0		0	0	0
2927 Old Bradenton Road	0	0		0	0	0
2930 West Place	0	0		0	0	0
2936 West Place	0	0		0	0	0
3035 Old Bradenton Road	0	0		0	0	0

## 2020 Fire Statistics for On-Campus Housing Facilities: Residence Halls and Apartments

Residence Halls and Apartments	Total # of fires in each building	Fire #	Cause	Injuries	Deaths	Property Damage Value
Searing Student Center	0	0		0	0	0
Goldstein Residence Hall	0	0		0	0	0
Bayou Village Apts	1	1	Paper	0	0	0
Quadrangle Apts	0	0		0	0	0
Family Housing	0	0		0	0	0
Whitaker Cove South	0	0		0	0	0
Whitaker Cove North	0	0		0	0	0
Bridge Apts	0	0		0	0	0
Greensboro Hall	1	1	Paper Cup	0	0	0

## 2020 Fire Statistics for On-Campus Housing Facilities: Houses and Apartments

Houses or Apartments	Total # of fires in each building	Fire #	Cause	Injuries	Deaths	Property Damage Value
1052 Indian Beach Drive	0	0		0	0	0
1060 Indian Beach Drive	0	0		0	0	0
1100 Guilford Lane	0	0		0	0	0
1102 Guilford Lane	0	0		0	0	0
1107 Guilford Lane	0	0		0	0	0
1113 Guilford Lane	0	0		0	0	0
1123 Guilford Lane	0	0		0	0	0
1132 Guilford Lane	0	0		0	0	0
1139 Guilford Lane	0	0		0	0	0
1141 Guilford Lane	0	0		0	0	0
1142 Guilford Lane	0	0		0	0	0
1147 Guilford Lane	0	0		0	0	0
1155 Guilford Lane	0	0		0	0	0
1158 Guilford Lane	0	0		0	0	0
1160 Guilford Lane	0	0		0	0	0
1161 Guilford Lane	0	0		0	0	0
1107 Greensboro Lane	0	0		0	0	0

Houses or Apartments	Total # of fires in each building	Fire #	Cause	Injuries	Deaths	Property Damage Value
1123 Greensboro Lane	0	0		0	0	0
1123 Greensboro Lane	0	0		0	0	0
1133 Greensboro Lane	0	0		0	0	0
1143 Greensboro Lane	0	0		0	0	0
1151 Greensboro Lane	0	0		0	0	0
1159 Greensboro Lane	0	0		0	0	0
1136 Patterson Dr	0	0		0	0	0
1172 Patterson Dr	0	0		0	0	0
1174 Patterson Dr	0	0		0	0	0
1176 Patterson Dr	0	0		0	0	0
1178 Patterson Dr	0	0		0	0	0
1216 31st Street	0	0		0	0	0
1255 North Riverside Dr	0	0		0	0	0
1261 North Riverside Dr	0	0		0	0	0
1267 North Riverside Dr	0	0		0	0	0
1273 North Riverside Dr	0	0		0	0	0
2911 Old Bradenton Road	1	1	Grease	0	0	0
2914 East Tamiami Circle	0	0		0	0	0
2951 East Tamiami Circle	0	0		0	0	0
2953 East Tamiami Circle	0	0		0	0	0
3007 East Tamiami Circle	0	0		0	0	0
3014 East Tamiami Circle	0	0		0	0	0
3015 Old Bradenton Road	0	0		0	0	0
3022 East Tamiami Circle	0	0		0	0	0
3024 East Tamiami Circle	0	0		0	0	0
3025 East Tamiami Circle	0	0		0	0	0
2919 Old Bradenton Road	0	0		0	0	0
2927 Old Bradenton Road	0	0		0	0	0
2930 West Place	0	0		0	0	0
2936 West Place	0	0		0	0	0
3035 Old Bradenton Road	0	0		0	0	0

## Crime & Fire Log

Public Safety maintains a daily crime and fire log that records, by the date the incident was reported, all crimes, and fires reported in residential halls, and other serious incidents that occur on campus, on or in a non-campus building or property, on public property, or within the patrol jurisdiction of the department. The Daily Crime & Fire Log is open for public inspection and available at the Office of Public Safety in Kimbrough Building during normal business hours. Our process for maintaining and posting the daily crime log complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (as amended in October 1998).

The crime and fire log include:

- The date and time the crime was reported, the date and time the crime occurred, its nature, the general location where it occurred, and the disposition of the complaint, if the disposition is known at the time the log is created.

- The date and time the fire was reported, the date and time the fire occurred, its nature, and its general location in residential halls. (Please note the fire log only applies to fires that occur in on campus residential halls only)

The Public Safety department posts specific incidents in the crime and fire log within two business days of receiving a report of an incident. We reserve the right to exclude crime report information from the log under these circumstances:

- If posting the information jeopardizes an on-going investigation;
- If posting the information would cause a suspect to flee or evade detection;
- If posting the information could result in the destruction of evidence relating to the crime; or,
- If posting the information jeopardizes the safety of an individual.

Once these factors are no longer present, and/or there is no longer a chance that posting the information would adversely affect an on-going investigation, we will post the information.

We make available the most recent 60 days of crime and fire logs. If you wish to view logs older than the most recent 60 days, please contact Public Safety at 941-309-4121. No crime log information will directly or indirectly identify a victim or a witness.

Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (as amended in October 1998).

The crime and fire log include:

- The date and time the crime was reported, the date and time the crime occurred, its nature, the general location where it occurred, and the disposition of the complaint, if the disposition is known at the time the log is created.
- The date and time the fire was reported, the date and time the fire occurred, its nature, and its general location in residential halls. (Please note the fire log only applies to fires that occur in on campus residential halls only)

The Public Safety department posts specific incidents in the crime and fire log within two business days of receiving a report of an incident. We reserve the right to exclude crime report information from the log under these circumstances.

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Once these factors are no longer present, and/or there is no longer a chance that posting the information would adversely affect an on-going investigation, we will post the information.

We make available the most recent 60 days of crime and fire logs. If you wish to view logs older than the most recent 60 days, please contact Public Safety at 941-309-4121. No crime log information will directly or indirectly identify a victim or a witness.

## Technology Policies and Procedures

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### Responsible Use of Electronic Communications Policy Statement

Ringling College of Art and Design provides an environment for the campus community to utilize appropriate computer and electronic information technologies in meeting the educational mission of the College. The College expects all members of its community to use electronic communications in a responsible manner. It is

each individual's responsibility to become familiar with their rights and responsibilities as outlined in this and other appropriate College documents. There are also federal, state, and local laws governing some aspects of information use and distribution. While guidelines may be provided in the context of the classroom, each individual is responsible to remain knowledgeable about current laws and policies.

Ringling College seeks to enforce its policies regarding non-harassment and the safety of individuals; to protect the College against damage or legal consequences; to prevent the electronic posting or distributing of copyrighted material in violation of license restrictions or other contractual agreements; to safeguard the integrity of computers, networks, and data, either at Ringling College of Art and Design or elsewhere; and to ensure use of electronic communications complies with this Student Handbook, the Faculty Handbook, and the Staff Handbook.

Ringling College of Art and Design may restrict the use of its computers and network systems for electronic communications in response to complaints presenting evidence of violations of Ringling College policies or codes, or local, state or federal laws. Specifically, the College reserves the right to limit access to its networks through Ringling College-owned or other computers, and to remove or limit access to material posted on Ringling College-owned computers. Ignorance of the law or of campus policies does not exonerate one from the consequences of inappropriate or illegal behavior.

## Examples of Violations Covered in the Handbooks

What follows is a list of some of the potential behaviors associated with computer use, which are considered violations as noted in the Student Handbook, Faculty Handbook, and Staff Handbook. This list is not intended to be exhaustive; it is simply to provide examples of some of the behaviors that are considered unacceptable. Any behaviors, including those not explicitly listed here, in violation of the College policies or codes will be adjudicated accordingly.

## Examples of Violations

- A. Violations targeted at a specific individual(s) or at classes of individuals:
  - Sending harassing or threatening communication by electronic mail or other electronic communications.
  - Sending harassing communication that is sexual in nature by electronic mail or other electronic communications.
  - Sending harassing communication or posting hate speech that is motivated by racial, ethnic, religious, gender, or sexual orientations prejudice by electronic mail or other electronic communications.
  - Posting or otherwise disseminating personal or sensitive information about an individual(s).
- B. Violations causing harm to the institution or its activities:
  - Propagating electronic chain mail.
  - Interfering with freedom of expression of others by "jamming" or "bombing" electronic mailboxes.
  - Forging, fraudulently altering, or willfully falsifying electronic mail headers, electronic directory information, or other electronic information generated as, maintained as, or otherwise identified as College records in support of electronic communications.
  - Using electronic communications to forge an academic document.
  - Using electronic communications to hoard, damage, or otherwise interfere with academic resources accessible electronically.
  - Using electronic communications to steal another individual's works, or otherwise misrepresent one's own work.
  - Using electronic communications to collude on examinations, papers or any other academic work.
  - Using electronic communications to fabricate research data.
- C. Violations involving illegal, proprietary, or damaging material.
  - Electronically distributing or posting copyrighted material in violation of license restrictions or other contractual agreements.
  - Launching a computer worm, computer virus or other rogue program.
  - Downloading or posting illegal, proprietary or damaging material to a College computer.
  - Transporting illegal, proprietary or damaging material across College networks.

# Responsible Use of Information Technology Resources

## Guidelines

This statement defines the guidelines governing access to and use of information technology resources at Ringling College of Art and Design. These guidelines have been implemented to clarify and simplify procedures regarding use of information technology resources and to safeguard the computing and data network equipment. Users should also refer to the Responsible Use of Electronics Communications policy (above) for additional examples of misuse of campus computing and information resources. Feedback as to the effectiveness of these guidelines is encouraged.

All members of the Ringling College community are expected to utilize information technology resources in a responsible and appropriate manner, respecting the rights of other users.

Users are responsible for becoming familiar with their rights and responsibilities and applicable laws and guidelines. By utilizing these services, an individual agrees to abide by the guidelines and procedures that govern its use.

Failure to abide by these guidelines and other applicable codes or local, state, or federal laws may result in disciplinary actions including, but not limited to, loss or limitation of privileges in using information technology resources.

## Examples of Violations

Misuse of computing and information resources and privileges includes, but is not limited to, the following:

- Disclosing network account credentials to anyone.
- Re-broadcasting unsolicited e-mail or USENET news (spam or electronic junk mail).
- Generating or forwarding chain letters, or participating in any kind of multilevel or pyramid scheme.
- Storing or transmitting copyrighted materials or licensed materials such as MP3 audio files without the owner's permission.
- Introducing viruses or other disruptive/destructive programs.
- Using resources such as network bandwidth or disk storage excessively.
- Attempting to evade or bypass resource quotas such as disk usage quota (logon to [www.ringling.edu/manage.html](http://www.ringling.edu/manage.html) to check your resource quotas).
- Logging into workstations in more than one campus laboratory at the same time.
- Attempting to decrypt coded information such as passwords.
- Using any Internet Protocol (IP) address inside or outside the Ringling College domain(s) without prior approval.
- Attempting to install or utilize a server, network analysis tool, or network management tool on the Ringling College network without authorization.
- Intercepting network traffic intended for nodes other than one's own.

## Security and Confidentiality of Information Storage and Transmission

Ringling College of Art and Design cannot guarantee the confidentiality or privacy of electronic mail messages and other documents stored on College computers. Ringling College assumes users are aware that electronic files and transmissions are not necessarily secure.

Furthermore, electronic mail in its present form is not secured and has the potential to be vulnerable to unauthorized access, modification, and forgery. Such services should be utilized with this in mind.

World Wide Web users should be aware that it is possible for software on a website to explore and retrieve information from the user's computer without the user being aware of the invasion. Anyone who "downloads" software, certain applications, or certain file types, or receives email attachments should be aware of the possibility that such material could incorporate viruses, worms, or other destructive materials.

## Guidelines Relating to Confidentiality

- Ringling College reserves the right to conduct routine maintenance, track problems, and maintain the integrity of its systems. As is the case with all data kept on Ringling College's computer systems, the content of electronic mail or user files may be revealed by such activities.
- Ringling College does not routinely monitor the contents of email. However, such monitoring may be conducted when required to protect the integrity of the systems or to comply with legal obligations
- Ringling College reserves the right to inspect the contents of email and all disk files in the course of an investigation into alleged impropriety or as necessary, to locate substantive information not readily available by other means, or to ensure compliance with institutional policy
- Authorization to investigate the contents of user files or emails must be given by the Senior Officers.

## Responsibilities of System Administrators

System administrators shall perform their duties fairly, in cooperation with the user community, the appropriate higher-level administrators, and College policies. System administrators shall respect the privacy of users as far as possible and shall refer all disciplinary matters to appropriate authorities.

## Residential Data Network Connection Privilege Agreement

### Residential Data Network Privilege Agreement

All students are responsible for reading, understanding, and abiding by the guidelines presented in the Student Handbook and republished on this web page.

## Residential Data Network Connection Privilege Agreement

An Ethernet connection is provided in your campus residence hall room as a privilege. It is the responsibility of the connected residents to be good citizens. Like any other community, the online community of which you will be a member cannot function without some sense of law and order. Therefore, it is your responsibility to adhere to these and all other Ringling College of Art and Design procedures and policies. The data network is for exclusive use of Ringling College students, faculty, and staff, and is to be used only for the educational, academic, and research missions of the College. Ringling College reserves the right to change network access privileges, availability of access, and the terms of this agreement at any time, for any reason. This agreement is only valid while the undersigned is a registered student at Ringling College of Art and Design.

By accepting and using the Ethernet connection provided in your room, you agree to abide by the terms and conditions set forth above and on the back of this form. Failure to observe these policies can result in a conduct violation, having your campus housing data network connection deactivated, or in severe cases, criminal proceedings. Ignorance of these policies is not an excuse for non-compliance.

- I will fully comply with the Ringling College of Art and Design Computer Use Policy.
- I will not use any software or hardware designed to breach the security of the campus network or any devices attached to the network.
- I will not engage in any activities designed to interrupt or intercept the network traffic of other users.
- I will not use Ringling College resources to support personal business interests.
- I will not sell or provide access to Ringling College network to outside parties.
- I will not use my connection to engage in software piracy or copyright infringement.
- I will not activate any type of shared file service or access to my personal computer by anyone other than me.
- I understand I am personally responsible for any activities originating from my network connection.
- I understand that Ringling College of Art and Design assumes no liability for data loss or equipment damage caused by my Ethernet connection.
- I understand that the use of Ringling College information resources on campus are guided by the same principles, and are subject to the same sanctions, as other campus activities.

- All use of network-based games employing broadcast transmission packets (such as multi-user Doom, Quake, Half-Life, etc.) is prohibited. These games generate massive network traffic that disrupts the activities of other users across the campus network. I will respect the priority of academic use of the network.
- I understand I have the right to my fair share of the campus network bandwidth. If I have reason to believe another user or group of users is interfering with my access to the network, I will report the problem to the Director of Institutional Technology. Bandwidth offenders are contacted individually by the Institutional Technology Center. If the heavy usage is not academic related, then the student is advised on how to limit usage. Repeated offenses may result in turning over a student's case to the Dean of Students who deals with conduct violations.
- The student housing network is not intended to enable Ringling students to be Internet content providers. File Sharing Utilities (such as Napster, Scour, iMesh, etc) must have file sharing turned off, or pointed to an empty directory.
- Ringling College of Art and Design reserves the right, and by signing this agreement, I authorize Ringling College, to monitor network traffic through my data connection for the purpose of checking compliance with this agreement.

Retransmission or propagation of the student housing network connection through the use of devices such as switches, hubs, routers, and wireless access points is allowed for personal use within the student's room or apartment. Institutional Technology technical support staff members do not provide technical support for these devices. Any troubleshooting of your network connection will require that your computer be plugged directly into the data jack in your room or apartment. All devices connected to the student housing network must be securely and properly configured, and the student who registers the device(s) will be solely responsible for any violation or abuse of the students housing network use policy resulting from the use of the device(s). Any device that causes any network-related problems or denies network service to other users may be disconnected from the student housing network without prior warning.

## Web Privacy Policy

Thank you for visiting our website. As a leader in the use of technology in art and design, we are keenly aware of Internet privacy issues. Therefore, this is our pledge to you:

- We collect only the most general information from you while you visit our site. By the time you leave, we'll know the country from which your visit originated, the browser you use, what site you came to us from, and your I.P. address. This information is compiled into a summary of all site users, and is not linked to personal information. We use this information only in the interest of better understanding of our visitors so we can make this site better for you, our guest.
- Any personal information we do collect from you will be used solely for the purpose intended. So, for example, if you provide us with information through an online admission application, that department will only use it for that purpose.
- We do not share, sell or otherwise disclose personal information with any third parties, either inside or outside the university. You never have to share personal information with us to visit our website.
- We may disclose or be required to disclose personal information in response to legal process, for example, in response to a court order or a subpoena. We also may disclose such information in response to a law enforcement agency's request.

Our website may contain links to other sites whose information practices may be different than ours. Visitors should consult the other sites' privacy notices as we have no control over information that is submitted to, or collected by, these third parties.

If you have questions about our privacy policy or more general questions about the Ringling College website, feel free to email us at [info@ringling.edu](mailto:info@ringling.edu) or call us at 941-351-5100.

Approved by the IT Oversight Council on March 3, 2013.

# Notebook Program

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## Notebook Program Agreement

### Introduction

This is a legal document between you and the owner of this notebook computer, Ringling College of Art and Design. Please carefully read the terms and conditions of this User Agreement, governing your use of the notebook computer which you are going to take delivery of today. You may not take possession of this notebook until you have read and accepted the terms of this User Agreement and signed the Release Form.

### Grant of License

Ringling College of Art and Design grants you the personal, non-exclusive right to utilize this notebook computer for the duration of your study at Ringling College of Art and Design. This notebook computer should be used primarily for your educational and scholarship activities. Any use of this computer which interferes with its primary purpose (for example, using it to run a personal business) is not permitted.

Upon the entrustment of the notebook computer into your care, you assume the responsibility and liability of the notebook computer. In addition, you agree to return this notebook computer on the scheduled or arranged date of return.

### Liability

While under the possession of the User, the User is fully responsible for any theft or physical damage of this notebook computer and may be held accountable for the replacement or repair of this notebook computer. The User needs to make sure that all cables and components are returned with this notebook computer. The User is also responsible for keeping this notebook computer clean and in good condition during its use and upon its return to Ringling College of Art and Design. The User cannot lend this notebook computer to anyone without notification and permission from Ringling College of Art and Design. Please note that if the User lends this notebook computer to another person without prior permission, the User is still held accountable and responsible for the replacement of this notebook computer any may be subject to the forfeiture of the notebook computer, at the sole discretion of Ringling College. Failure to report the loss of this notebook computer or failure to return this notebook computer will result in appropriate disciplinary action by Ringling College of Art and Design and a possible police investigation.

### Support and Service

The User must obtain prior written permission from the Help Desk at Institutional Technology to install any internal or external components on this notebook computer. The User can only install software if he/she has a valid and current license. The User may not uninstall or erase any programs or files that were originally on this notebook computer. In addition, the User is strongly advised to consult the Help Desk at Institutional Technology before changing any system settings. The User should contact the Help Desk at Institutional Technology as soon as possible if there is any technical and/or physical problem with this notebook computer.

### Term

This Agreement will terminate upon your graduation, withdrawal or dismissal from Ringling College of Art and Design or upon any other notification from Ringling College to turn in the notebook computer. Such notification of termination shall be at the sole discretion of Ringling College. Upon such termination, you must promptly return this notebook computer and all of its parts and peripherals to the Help Desk at Institutional Technology.

## Ownership

All rights, title, and interest to the notebook computers are the property of Ringling College of Art and Design. Your use of the notebook computer is subject to the laws of the State of Florida and the United States of America and the policies and practices of Ringling College and nothing in this Agreement or in the conduct of Ringling College constitutes a waiver of the rights of Ringling College of Art and Design under such laws.

## Managed Devices and Remote Lockout/ Erasure

The Apple MacBook Pro notebook computers and iPad tablets owned by Ringling College of Art and Design are considered managed devices. While Ringling College of Art and Design respects your privacy and does not actively monitor your activity, it is important to note that these devices are subject to certain circumstances that may require remote lockout or erasure.

In cases of reported loss or theft, or if the notebook computer is not returned within the allocated time frame, Ringling College of Art and Design reserves the right to initiate remote lockout or erasure procedures. These measures are implemented to safeguard the confidentiality of data and prevent unauthorized access to sensitive information.

It is crucial to understand that the notebook computers provided to you are on loan and are not available for purchase. Payment of any fines or penalties imposed on your account for failing to return the equipment will not unlock or in any way transfer ownership of the devices to you. The notebook computers, along with their associated parts and peripherals, remain the sole property of Ringling College of Art and Design.

Please be aware of your responsibilities in promptly returning the equipment according to the agreed-upon terms and conditions. Failure to comply may result in disciplinary sanction(s) per the Student Code of Conduct within the Student Handbook.

## Detailed Terms of the Agreement

- The notebook computer, which is provided for my use with no transfer of ownership, is a fully configured notebook computer with a battery, cords, and other appropriate accessories. I will retain possession of the computer until I am no longer enrolled at Ringling College of Art and Design.
- I will not remove or alter any of the identification tags attached to or displayed on this notebook computer. I understand that notebook service and support is contingent on the proper display of the identification tags.
- I will not assign, transfer, pledge or otherwise dispose of this Agreement or any interest herein, or lend the computer or otherwise permit it to be possessed or used by anyone other than me.
- I agree to adhere to Ringling College of Art and Design's procedures and policies in effect now or in the future governing the use of the computer. I agree to comply with all applicable State and Federal law including copyright and intellectual property law pertaining to software.
- The notebook computer is and will, at all times, remain the property of Ringling College of Art and Design. I will have no title or other ownership interest in this notebook computer.
- I agree to use this notebook computer in a careful and lawful manner, and will not make any physical alterations, additions or hardware changes/improvements to the computer without prior written consent of Ringling College of Art and Design. Such alterations include but are not limited to adding memory, or input/output devices. Should additions and/or enhancements be made to the computer, such enhancements will belong to Ringling College of Art and Design. Ringling College of Art and Design reserves the right to remove any additions to and/or alterations of hardware or software components.
- I am fully responsible for maintenance of software applications and hardware not provided by Ringling College of Art and Design.
- Upon request, I agree to promptly deliver this notebook computer to the Help Desk at Institutional Technology for inspection or to verify inventory/asset management information. Failure to comply by the date requested may result in a hold being placed upon my computing privileges and transcript or other appropriate actions or sanctions.
- I agree to take necessary and prudent care to keep the computer secure and safe.
- I will be responsible for the risk of loss by theft, destruction, or damage of the computer from the date I take delivery of the computer until it is returned to Ringling College of Art and Design. Ringling College

reserves the right to service any notebook. If during the period of this agreement, the computer is found to be damaged during inspection by Institutional Technology Help Desk, Ringling College of Art and Design may charge me the actual cost of repairs or replacement. Any subsequent incidents of damage will result in a charge for the actual cost of repairs or replacement. These out-of-pocket costs will be added to my account.

- If any components are missing when I return the notebook computer to Ringling College, I will be charged full replacement cost of each missing component.
- I must report theft (or suspected theft) or other loss of the computer within 24 hours to the Help Desk at Institutional Technology. In case of theft or loss occurring on campus, Public Safety must also be contacted at (941) 359-4121. The Office of Public Safety will require me to contact the Police Department of Sarasota to obtain a written police report. If the incident occurs off-campus, the police department in the jurisdiction in which the theft or loss occurred should be notified and a copy of the written police report obtained. To receive a replacement computer, I will submit a written copy of the police report to the Help Desk at Institutional Technology. In cases of theft or loss, I will be responsible for full replacement cost. If I fail to record theft or loss or suspected theft or loss within 24 hours to the Help Desk at Institutional Technology and fail to contact Public Safety or police, Ringling College of Art and Design will bill me for the replacement cost of the notebook and accessories.
- Upon my graduation, withdrawal or dismissal from Ringling College or upon any other notification to promptly turn in the notebook computer, I agree to promptly deliver the computer to the Help Desk at Institutional Technology or such other place designated by Ringling College of Art and Design. In the event that I do not return the notebook computer within stated time frames, Ringling College may, at its discretion, place a hold on my college record, and bill me for the replacement cost of the notebook computer.
- I recognize this pilot project may be terminated at the discretion of Ringling College of Art and Design.
- I agree that the Ringling College of Art and Design may amend the terms of this agreement (to include cancellation) upon serving me a written Notice of Amendment. Such Notice of Amendment will be effective 10 days from the date of the mailing or delivery.
- Ringling College of Art and Design is not responsible for any injuries, damages, penalties, or losses, including legal costs and expenses incurred by me or any other person caused by the transportation, installation, use of or any other matters relating to this notebook computer.
- This agreement and any amendments or supplements to it will be governed by the laws of the State of Florida and the United States of America.
- No delay or failure to enforce any provision of this Agreement will constitute a waiver or limitation of Ringling College of Art and Design's rights of enforcement under it.
- By agreeing below I acknowledge that I have read and understood this information and agreement. Failing to follow the policy and procedures in this agreement or break any of the agreement will result in the termination of this agreement.

## Institutional Technology

phone: (941)359-7633 (includes after hours)

fax: (941)359-7615

Online support requests (for current students, faculty, and staff): <https://it.ringling.edu/>

All other inquiries: [info@ringling.edu](mailto:info@ringling.edu).