

Section 1: Introduction

1.1 Policy Statement

Trinity Baptist College is committed to creating and maintaining a living, learning and working environment that is free from unlawful discrimination based on gender in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits gender discrimination in employment; and the Campus Sexual Violence Elimination Act, Clery Act, and the Violence Against Women Act (VAWA). Sexual Harassment and Retaliation under this Policy will not be tolerated by Trinity Baptist College and is grounds for disciplinary action, up to and including, permanent dismissal from TRINITY BAPTIST COLLEGE and/or termination of employment.

1.2 Purpose

Trinity Baptist College takes all reported sexual misconduct and harassment seriously. Trinity Baptist College will promptly discipline any individuals within its control who are found responsible for violating this Policy. Additionally, reported sexual misconduct and harassment that does not meet the definitions and jurisdiction of this Policy will be referred for review to the Vice President of Academic Affairs if allegedly committed by a student or if allegedly committed by an employee in compliance with VAWA and Clery Act.

1.3 Applicability

This Policy applies to students and employees as follows:

- **To Students:** Where the Respondent is a student at Trinity Baptist College at the time of the alleged conduct, the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in Trinity Baptist College's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Trinity Baptist College's Education Program or Activity.
- **To Employees:** Where the Respondent is an employee at Trinity Baptist College at the time of the alleged conduct, where the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in Trinity Baptist College's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Trinity Baptist College's Education Program or Activity.

1.4 Title IX Coordinator and Key Title IX Official

The Title IX Coordinator is the Trinity Baptist College administrator who oversees Trinity Baptist College's compliance with Title IX. The Title IX Coordinator is responsible for administrative response to reports and Formal Complaints of Sexual Harassment. The Title IX Coordinator is available to discuss the grievance process, coordinate supportive measures, explain Trinity Baptist College policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators to facilitate these responsibilities.

Any member of the Trinity Baptist College community may contact the Title IX Coordinator with questions.

In addition to the Title IX Coordinator, Trinity Baptist College appoints investigators, decision makers and informal resolution facilitators who have roles in the formal grievance process more fully explained in Sections 6, 7, and 8 of this policy.

The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators will receive annual training in compliance with Title IX. All administrators in these roles will not rely on gender stereotypes and will provide impartial investigations and adjudications of Formal Complaints of Sexual Harassment. All materials used to train these administrators will be publicly made available on Trinity Baptist College's website in accordance with Title IX requirements.

The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

1.5 Notification

Trinity Baptist College will use College electronic mail (email) for purposes of communication and notification under this Policy.

1.6 Free Speech

Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Harassment under this Policy.

1.7 Dissemination of Policy

This Policy will be made available to all Trinity Baptist College administrators, faculty, staff, and students online and in Trinity Baptist College student handbook(s) and any employee handbook of operating procedures.

1.8 Effective Date

The effective date of this Policy is 01/30/2024.

1.9 Retaliation and False Statements Prohibited

Neither Trinity Baptist 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 Title IX or 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 this Policy.

1. Alleged violations of Retaliation will be referred to the Vice President of Academic Affairs or designee to be investigated and resolved under the respective code of conduct.
2. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy.

3. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute Retaliation prohibited under Policy. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

1.10 Amnesty

Reporting Sexual Harassment is encouraged at Trinity Baptist College. Thus, it is imperative that Complainants and witnesses share information without fear of potential consequences for policy violations including, but not limited to, underage consumption of alcohol or the use of illicit drugs. Trinity Baptist College offers parties and witnesses amnesty from such violations but may include educational/counseling requirements for individuals in lieu of a finding of responsibility or punitive sanctions.

1.11 Other College Policies

This Policy takes precedence over other Trinity Baptist College policies and procedures concerning Sexual Harassment under Title IX in the event of a conflict.

1.12 Conflicts of Interest

No employee or their immediate relatives (spouse, parents, brothers, sisters, or children, and their spouses) should engage in outside interests conflicting in fact or appearance with the interest of the College which may influence the judgment or action of the employee in the conduct of the college's business. These interests include serving or selection as an officer, employee, consultant, or sharing in profits or other results, or receiving payment, gifts, service, entertainment, or other substantial benefits or promises from any College supplier, customer, or their agent. Any person having a question concerning a possible conflict of interest should contact the Title IX Coordinator.

1.13

Alleged violations of the student or employee Handbook that rise from the same events as alleged Sexual Harassment under this Policy will be investigated and resolved under the grievance process in this Policy unless the Sexual Harassment has been dismissed under Section 5.2 of this Policy.

Section 2: Definitions

2.1 Definitions of Prohibited Conduct Under this Policy

See Appendix A for applicable State law definitions.

2.1.1 Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (Quid Pro Quo);
- Unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined in this Policy.

2.1.2 Sexual Assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Rape, Fondling, Incest, and Statutory Rape as defined in this Policy.

2.1.3 Rape means 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.

2.1.4 Fondling means the 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 his/her age or because of his/her temporary or permanent mental Incapacity.

2.1.5 Incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Florida law.

2.1.6 Statutory Rape means sexual intercourse with a person who is under the statutory age of Consent.

2.1.7 Dating Violence means violence committed by a person—

- who is or has been in a social relationship of a 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:
 1. The length of the relationship,
 2. The type of relationship,
 3. The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

2.1.8 Domestic Violence includes felony or misdemeanor crimes 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 who is cohabitating with or has 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 Florida, 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 Florida.

2.1.9 Stalking means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to—

- fear for their safety or the safety of others; or
- suffer Substantial Emotional Distress.

2.2 Definitions Related to Sexual Harassment: Consent, Course of Conduct, Incapacitation, Reasonable Person, Substantial Emotional Distress

2.2.1 Consent: Consent to engage in sexual activity must be informed, knowing and voluntary. Consent exists when all parties exchange mutually understandable affirmative words or behavior indicating their agreement to freely participate in mutual sexual activity.

The following further clarifies the definition of consent:

- Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- If at any time it is reasonably apparent that either party is hesitant, confused or unsure, both parties should stop and obtain mutual verbal consent before continuing such activity.
- Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
- An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily), or is unconscious, unaware or otherwise physically helpless is considered unable to give consent. For example, one who is asleep or passed out cannot give consent.

2.2.2 Course of Conduct means two or more acts, including, but not limited to, acts in which the individual 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.

2.2.3 Incapacitation: An individual who is incapacitated is not able to make rational, reasonable judgments and therefore is incapable of giving consent. Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if he/she demonstrates that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason.

An individual in a blackout state may or may not meet the definition of incapacitation. Such an individual may appear to act normally but may not have later recall of the events in question. The

extent to which a person in this state affirmatively gives words or actions indicating a willingness to engage in sexual activity and the other person is unaware – or reasonably could not have known – of the alcohol consumption or blackout, must be evaluated in determining whether consent could be considered as having been given.

2.2.4 Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.

2.2.5 Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

2.3 Other Defined Terms

2.3.1 Actual Knowledge means Notice of Sexual Harassment allegations to the Title IX Coordinator or any Official with Authority, except that actual knowledge is not met when the only individual with actual knowledge is the Respondent.

2.3.2 Business Day means any weekday not designated by Trinity Baptist College as a holiday or administrative closure day. When calculating a time period of Business Days specified in this Policy, the Business Day of the event that triggers a time period is excluded.

2.3.3 Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as “parties” throughout this Policy.

2.3.4 Confidential Employee means an individual who will not report any information about an incident to the Title IX Coordinator without the Complainant’s permission.

2.3.5 Disciplinary Sanctions are imposed only after a finding of responsibility through the grievance process or an agreement through the informal resolution process.

2.3.6 Education Program or Activity includes locations, events, or circumstances over which Trinity Baptist College exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs. This includes conduct that occurs on Trinity Baptist College, Trinity Baptist Church or Trinity Christian Academy property, during any Trinity Baptist College activity, or in any building owned or controlled by a student organization that is officially recognized by Trinity Baptist College.

2.3.7 Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Trinity Baptist College investigate the allegation of Sexual Harassment.

2.3.8 Official with Authority means an individual who has the authority to institute corrective measures and is required to report Sexual Harassment to the Title IX Coordinator to initiate Trinity Baptist College’s response to the Sexual Harassment allegations. Officials with Authority are limited to the following positions at Trinity Baptist College, Title IX Coordinator and Deputy Title IX Coordinators.

2.3.9 Remedies are designed to restore or preserve equal access to Trinity Baptist College’s Education Program or Activity. Remedies may include, but are not limited to, the same individualized services as Supportive Measures; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

2.3.10 Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as “parties” throughout this Policy.

2.3.11 Responsible Employee means any individual who is employed by Trinity Baptist College and not deemed to be a Confidential Employee. Responsible Employees are required by Trinity Baptist College to report Sexual Harassment to the Title IX Coordinator promptly upon receiving a report of a Sexual Harassment.

2.3.12 Retaliation means intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve gender discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

2.3.13 Supportive Measures means 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 Trinity Baptist College Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Trinity Baptist College educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines 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/or monitoring of certain areas of the campus, and other similar measures.

Section 3: Reporting Sexual Harassment and Preservation of Evidence

3.1 Reporting to Trinity Baptist College

3.1.1 Reporting to Title IX Coordinator: Reports of Sexual Harassment may be made to the Title IX Coordinator in any of the following ways, by anyone, at any time: online, email, phone, or mail. Reports may be made to the Title IX Coordinator in person at 800 Hammond Blvd., Jacksonville, FL 32221 during normal business hours. After Title IX Sexual Harassment has been reported to the Title IX Coordinator, the Title IX Coordinator will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the Sexual Harassment.

3.1.2 Reporting to Officials with Authority: The following positions are Officials with Authority: Title IX Coordinator and Deputy Title IX Coordinators. If they are notified of Sexual Harassment, they will promptly respond to the report of Sexual Harassment.

3.1.3 Reporting to Confidential Employees: The Student Counseling and Dean of Student's staff at Trinity Baptist College are Confidential Employees. Reports made to Confidential Employees are considered confidential reports and will not be reported to the Title IX Coordinator without the Complainant's permission and will not constitute actual notice to Trinity Baptist College.

3.1.4 Reporting to Responsible Employees: Employees who are not defined as Confidential Employees are required to report Sexual Harassment to the Title IX Coordinator who will respond to the Sexual Harassment.

3.1.5 Anonymous Reporting: Anonymous reports may be made by telephone, in writing or electronically with Title IX Coordinator. A decision to remain anonymous, however, may greatly limit Trinity Baptist College 's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this Policy.

3.2 Reporting to Law Enforcement

Reports may be filed with local law enforcement agencies. The Title IX Coordinator can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from Trinity Baptist College investigations.

Jacksonville Sheriff's Office Non-Emergency, phone number – (904) 630-0500

3.3 Reporting to Outside Agencies

Students and employees may report to external agencies:

Students

- Atlanta Office for Civil Rights
 - Address:
Atlanta Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303-8927
 - Telephone: 404-974-9406
 - Email: OCR.Atlanta@ed.gov
- U.S. Department of Health and Human Services
 - Address:
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201
 - Toll Free Call Center: 1-877-696-6775

Employees

- U.S. Equal Employment Opportunity Commission
- Address:
 - U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507
- Telephone: 202-663-4900 / (TTY) 202-663-4494

3.4 Outside Agency Support and Resources

- Women’s Center of Jacksonville/Rape Recovery Team, the address is 5644 Colcord Ave., Jacksonville, FL 32211, phone number – (904) 722-3000 or hotline is (904) 721-7273 www.womenscenterofjax.org
- State Attorney’s Office Victim-Witness Services, phone number – (904) 630-2502
- Florida Council Against Sexual Violence, phone number – 1-888-956-7273
- Trinity Baptist College faculty and staff have access to the College's Human Resource Department.
- Any member of the Trinity Baptist College community who wishes to obtain further information regarding sexual offender/predators in our area may refer to the FDLE website at FDLE's Searchable Database or by calling 1-888-FL-PREDATOR / 1-888-357-7332)

3.5 Local Emergency Facilities

- Jacksonville Sheriff’s Office Victim Services Counselor, phone number – (904) 630-1764
- The City of Jacksonville Victims Services, phone number – (904) 630-6300
- Sexual Assault Response Center, phone number – (904) 630-6330
- Florida Department of Law Enforcement Sexual Offender/Predator Unit – 1-888-357-7332
- Local Domestic Violence center, HUBBARD HOUSE. Contact 24 hours a day at (904) 354-3114 or 1-800-500-119. Website: hubbardhouse.org

3.6 Time Limits on Reporting

There are no time limits on reporting Sexual Harassment to the Title IX Coordinator or Trinity Baptist College. If the Respondent is no longer subject to Trinity Baptist College’s Education Program or Activity or significant time has passed, Trinity Baptist College will have limited ability to investigate, respond and/or provide disciplinary remedies and sanctions.

3.7 Trinity Baptist College Federal Reporting Obligations

Certain Trinity Baptist College employees, called Campus Safety and Security Authorities, have a duty to report certain incidents of misconduct to comply with the Clery Act. Campus Safety and Security Authorities are not required to report personally identifiable information for Clery Act purposes, but statistical information must be sent regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, but the statistics do not personally identify Complainants or Respondents. Reports by Campus Security Authorities are not official police reports and do not initiate criminal investigations.

When Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking are reported under the Clery Act, Trinity Baptist College must issue timely warnings for such incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Trinity Baptist College will not disclose a Complainant’s name and other identifying information in a timely warning but will provide sufficient information for Trinity Baptist College community members to make informed safety decisions in response to potential danger.

3.8 Preservation of Evidence

Trinity Baptist College recognizes that a Complainant may need time to decide whether to report an incident of Sexual Harassment to the police and/or Trinity Baptist College. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident.

Trinity Baptist College encourages Complainants, as soon as possible after experiencing Sexual Assault to take steps to preserve evidence such as:

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72-96 hours after the incident
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and
- Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

Section 4: Initial Response to Reported Sexual Harassment

Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant, regardless of whether the Complainant was the individual who initiated the report. During the initial contact with the Complainant, the Title IX Coordinator will:

- Provide the Complainant with notice of their rights and options
- Explain the process for filing a Formal Complaint;
- Explain the Grievance Process;
- Discuss the availability of Supportive Measures regardless of whether a Formal Complaint is filed;
- Consider the Complainant's wishes with respect to Supportive Measures.

Section 5: Formal Complaint

Trinity Baptist College will investigate all allegations of Sexual Harassment in a Formal Complaint.

5.1 Filing a Formal Complaint

A Formal Complaint must:

- Contain an allegation of Sexual Harassment against a Respondent;
- Request that Trinity Baptist College investigate the allegation; and
- Be signed by the Complainant or Title IX Coordinator.

In limited circumstances, if a Complainant does not sign a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint. In determining whether to sign a Formal Complaint, the Title IX Coordinator will consider factors that include but are not limited to:

- Whether there have been other reports of Sexual Harassment or other relevant misconduct concerning the same Respondent whether or not the incidents occurred while the Respondent was a Trinity Baptist College student or employee;
- Whether the Respondent threatened further Sexual Harassment or other misconduct against the Complainant or others;
- Whether the alleged Sexual Harassment was committed by multiple perpetrators;
- The nature and scope of the alleged Sexual Harassment including whether the Sexual Harassment was perpetrated with a weapon;
- The ages and roles of the Complainant and the Respondent;
- Whether Trinity Baptist College can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the alleged Sexual Harassment such as security cameras or physical evidence);
- Whether the report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group.

5.2 Dismissal of a Formal Complaint

5.2.1 Required Dismissal: The Title IX Coordinator will dismiss a Formal Complaint for purposes of Sexual Harassment if:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in this Policy even if proved;
- The conduct alleged did not occur in Trinity Baptist College's Education Program or Activity;
or
- The Conduct alleged in the Formal Complaint did not occur against a person in the United States.

Dismissal of a Formal Complaint does not preclude action under other provisions of the Trinity Baptist College's policies and procedures. If a Formal Complaint is dismissed under this section and the Respondent is a student, the matter will be sent to the Vice President of Academic Affairs for review. The Vice President of Academic Affairs will decide whether the matter will be pursued under the Trinity Baptist College's Code of Conduct.

If a Formal Complaint is dismissed under this section and the Respondent is an employee, the matter will be sent to the Director of Human Resources for review. The Director of Human Resources will decide whether the matter will be pursued under the Trinity Baptist College Employee Handbook.

5.2.2 Permissive Dismissal: The Title IX Coordinator may dismiss a Formal Complaint or any allegations within the Formal Complaint, if at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint,
- The Respondent is no longer enrolled or employed by Trinity Baptist College, or
- Specific circumstances prevent Trinity Baptist College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within the Formal Complaint.

5.2.3 Appeal of Dismissal: Either party may appeal the dismissal of a Formal Complaint or any allegations therein. See Section 7 for bases and process for appeals.

5.3 Consolidation of Formal Complaints

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent or by more than one Complainant against one or more Respondents where the allegations arise out of the same facts or circumstances.

Section 6: Grievance Process

The grievance process within this Policy is designed to treat Complainants and Respondents equitably. Remedies are provided to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent and Disciplinary Sanctions are not imposed against a Respondent prior to the completion of the grievance process.

6.1: General Grievance Process Information

6.1.1 Burden of Proof and Burden of Gathering Evidence: All investigations and proceedings, including hearings, relating to Sexual Harassment will be conducted using a “preponderance of the evidence” (more likely than not) standard. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Trinity Baptist College, not the parties.

6.1.2 Presumption of Not Responsible: The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

6.1.3 Time Frames for Grievance Process: Trinity Baptist College strives to complete the grievance process within one hundred and twenty (120) Business Days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include but are not limited to considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6.1.4 Medical Records Trinity Baptist College will not access, consider, disclose, or otherwise use party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Trinity Baptist College obtains that party’s voluntary, written permission to do so for the grievance process within the Policy.

6.1.5 Privileged Information: Trinity Baptist College will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

6.1.6 Range of Disciplinary Sanctions and Corrective Actions

- No contact orders

- Written letter of warning or reprimand
- Mandatory participation in an educational program
- Mandatory referral for psychological assessment and compliance with any resulting treatment plan
- Adjustment of living arrangements
- Adjustment of academic schedule
- Restricted participation in extracurricular activities
- Removal or suspension from athletic team
- Restricted attendance at College-sponsored activities or events
- Revocation of admission
- Revocation of degree
- Postponement of degree conferral
- Restricted access to campus
- Probation for students or employment
- Suspension or dismissal for students
- Termination of student employment
- Employee suspension with or without pay
- Modification of employee benefits such as tuition assistance
- Termination of faculty or staff from the College

6.1.7 Notice of Meetings, Interviews, and Hearings: Parties and witnesses will be provided notice of any meeting, interview, and/or hearing with sufficient time (approximately three (3) days) to prepare to participate. This notice will include the date, time, location, participants and purposes of the meeting, interview and/or hearing.

6.2 Notice of Allegations

Upon receipt of a Formal Complaint, the investigator will provide Notice of Allegations to the parties who are known. The Notice of Allegations will include:

- Notice of the party's rights and options
- Notice of Trinity Baptist College's grievance process
- Notice of Trinity Baptist College's informal resolution process and options
- Notice of the allegations of Sexual Harassment including:
 1. The identities of the parties involved in the incident, if known,
 2. The conduct allegedly constituting Sexual Harassment, and
 3. The date and location of the incident, if known.
- Notice that the Respondent is presumed not responsible of the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- Notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney, and that the advisor may inspect and review evidence as explained in section 6.4.4 of this Policy.
- Notice of the Trinity Baptist College Title IX Policy provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Notice of Allegations will be updated and written notice provided to the parties if at any time during the investigation, Trinity Baptist College decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations.

6.3 Investigation of Formal Complaint.

Trinity Baptist College will conduct an investigation following a Formal Complaint and Notice of Allegations. During all meetings and interviews the parties may be accompanied by an advisor of their choice, which can be, but is not required to be an attorney. During the investigation stage of the grievance process, the advisor's role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent during the investigation phase of the grievance process.

6.3.1 Opportunity to Provide Information and Present Witnesses: Each party will be provided an equal opportunity to provide information to the investigator and present witnesses for the investigator to interview. The information provided by the parties can include inculpatory (evidence that may support a finding or conclusion that Respondent engaged in Sexual Harassment) and exculpatory evidence (evidence that may support a finding or conclusion that a Respondent did not engage in Sexual Harassment). The witnesses can include both fact witnesses and expert witnesses.

6.3.2 Opportunity to Inspect and Review Evidence: Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which Trinity Baptist College does not intend to rely upon in reaching a determination regarding responsibility. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other source. Each party and their advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) business days to review submit a written response to the investigator. The investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross examination.

6.3.3 Investigative Report: Following the opportunity to inspect and review evidence directly related to the allegations raised in the Formal Complaint, the investigator will create an investigative report that fairly summarizes relevant evidence obtained during the investigation.

6.3.4 Review of the Investigative Report: At least ten (10) Business Days prior to a hearing, the investigator will provide each party and the party's advisor (if any) an electronic copy of the investigative report for their review and written response.

6.3.5 Investigation Timeframe: The investigation of a Formal Complaint will be concluded within 90 Business Days of the filing of a Formal Complaint. The parties will be provided updates on the progress of the investigation, as needed.

6.4 Live Hearing

After the investigation, Trinity Baptist College will provide for a live hearing for all Formal Complaints of Sexual Harassment that have not been dismissed per Section 5.2 or resolved by informal resolution under Section 8. At the request of either party, or at the discretion of the Title IX Coordinator, Trinity Baptist College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the other party or witness answering questions.

6.4.1 Information at the Hearing: The following information/evidence will be available in electronic form at the hearing:

- Evidence from the investigation, including the evidence directly related to the allegations that was reviewed by the parties, regardless of whether it was incorporated into the report.
- The investigation report and any attachments/appendices.

6.4.2 Decision-maker: The decision-maker will be appointed by Trinity Baptist College and will not be the Title IX Coordinator or investigator. The decision-maker will be trained, impartial, and without a conflict of interest. The decision-maker will be a Trinity Baptist College employee or external individual designated by Trinity Baptist College.

6.4.3 Challenge to the decision maker: Either party may challenge the appointment of a decision-maker, based on conflict of interest or bias, in writing to the Title IX Coordinator, no less than five (5) Business Days prior to the scheduled hearing.

6.4.4 Advisor's Role at the Hearing: Each party must have an advisor present at the hearing. The advisor's role is limited to supporting, advising, and assisting the party during the hearing and conducting questioning (cross-examination) of participants. Advisors are required to follow rules of decorum enforced by the decision-maker. Failure to follow the rules of decorum by an advisor may result in removal of an advisor from the hearing. If a party does not have an advisor present at the live hearing, Trinity Baptist College will appoint the party with an advisor without fee or charge.

6.4.5 Recording of the Hearing: Trinity Baptist College will create an audio or audiovisual recording of all live hearings and make the recording available to the parties for inspection or review.

6.4.6 Hearing Process Facilitator: Trinity Baptist College may designate a hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The facilitator may also be the Title IX Coordinator. The facilitator may invite the parties and their advisors, separately, to a meeting prior to the hearing to review the hearing process for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.

6.4.7 Pre-Hearing Matters: In order to streamline the hearing process, the decision-maker may request the submission of questions prior to the hearing through electronic submission and/or a pre-hearing conference.

- **Pre-Hearing Submission of Questions:** The decision-maker may request the parties submit questions, in writing, prior to the hearing. This submission does not preclude the advisor from asking additional questions live during the hearing. The decision-maker may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.
- **Pre-Hearing Conference:** The decision-maker may hold a pre-hearing conference to further streamline the live hearing, especially in complex cases involving multiple Complainants, Respondents and/or a significant number of witnesses. During the pre-hearing conference, parties and their Advisors will be meet with the decision-maker separately to review written questions previously submitted and/or to submit, in writing, any questions they wish to ask during the live hearing so that the decision-maker can be prepared to respond to the relevancy of said questions during the live hearing. The decision-maker may discuss any preliminary relevancy determinations regarding submitted questions and/or discuss alternative ways in which to ask questions; however, the decision-maker will make any final relevancy determinations in real-time, orally, during the live hearing. This conference does not preclude the advisor from asking additional questions live during the hearing. At the pre-hearing conference, the decision-maker may also hear arguments regarding the relevance of the evidence identified in the investigation report as relevant or not relevant, and/or directly related to the allegations.
- **Hearing Documents:** The decision-maker or hearing facilitator will provide parties with a copy of all materials provided to the decision-maker about the matter.

- **Accommodation Requests:** Participants in need of disability related accommodations and/or interpretation services during the hearing must contact the Title IX Coordinator with said requests five (5) days prior to the hearing.

6.4.8 Participants in the Hearing. Participants at the hearing include the decision-maker, the investigator(s) who conducted the investigations, the parties, advisors to the parties, witnesses and anyone providing authorized accommodations. In addition, Trinity Baptist College may have a hearing facilitator present. Any witnesses scheduled to participate in the hearing must have been first interviewed by the investigator (s) or have provided a written statement or answered questions from the investigator in writing.

The decision-maker will provide the names of all persons participating in the hearing to the parties at least seven (7) days prior to the live hearing.

6.4.9 Hearing Process and Phases: The live hearing will include the following phases:

(1) Notice of Hearing: After the investigative report has been completed and at least ten (10) business days prior to the date set for the hearing, the parties and their Advisors (if any) will be provided with a Notice of the Hearing. The Notice will include the date, time, location, name of the decision-maker, names of all participants in the hearing, and the location (virtual or in person) of the hearing.

(2) Opening Statements: Each party will have the opportunity to present an opening statement to the decision-maker.

(3) Questioning of Hearing Participants: The investigator will be the first witness to provide information. The investigator will submit their investigation report and describe the evidence and information gathered in their investigation. The parties and witnesses will then be called in an order determined by the decision-maker. Questioning of parties and witnesses will occur in the following manner:

1. **By the Decision-maker:** The decision-maker will ask initial questions of the participants at the hearing.
2. **By the Advisors:** After the decision-maker asks questions of a participant, each party's advisor will be permitted to ask relevant questions and follow up questions orally, directly, and in real time of the participant. The parties are never permitted to ask questions of participants directly. The questioning of participants by advisors will be conducted in the following manner:
 1. A question is asked by an advisor
 2. Before participant answers the questions, the decision-maker determines whether the question is relevant
 3. If the question is determined relevant by the decision-maker, the participant answers the question
 4. If the question is determined not to be relevant by the decision-maker, the decision-maker must explain the decision to exclude a question as not relevant.

- **Evidence and Questions Excluded:**

1. **Sexual Predisposition or Prior Sexual Behavior of the Complainant:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

2. **Privileged Information:** No person will be required to disclose information protected under a legally recognized privilege. The decision-maker must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
3. **Medical Records:** Evidence or records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, are not permitted to be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within this Policy.

(4) Closing Statements: Each party will have the opportunity to present a closing statement to the decision-maker.

(5) Determination Regarding Responsibility: After the live hearing, the decision-maker will issue a written determination regarding responsibility using the preponderance of the evidence standard. The decision-maker will provide the Complainant and the Respondent with the written determination simultaneously. The determination regarding responsibility becomes final either on the date that Trinity Baptist College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely. The written notice 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 this Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that Trinity Baptist College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to Trinity Baptist College's education program or activity will be provided by Trinity Baptist College to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

Section 7: Appeals

Either party may appeal the determination regarding responsibility, or the dismissal of a Formal Complaint or any allegations therein within three (3) Business Days of the receipt of the determination regarding responsibility or dismissal. The appeals must be made in writing and delivered to the Title IX Coordinator.

7.1 Bases for Appeal

Appeals of the determination of responsibility or the dismissal of a Formal Complaint may be made on the following bases:

- 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; or
- The Title IX Coordinator, investigator, or decision-maker 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.

7.2 Appeal Procedures

If an appeal is submitted, Trinity Baptist College will

- Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
- Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator or the Title IX Coordinator.
- Provide the non-appealing party with five (5) Business Days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination or dismissal.
- Issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following:
 1. Affirm the decision-maker's determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
 2. Affirm the decision-maker's determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;
 3. Remand the process back to the hearing stage for the decision-maker to remedy any procedural irregularity or consider any new evidence;
 4. Reverse the decision-maker's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable; or
 5. Affirm or amend the sanctions and/or remedies outlined in the determination issued under this Policy.
- Provide the written decision simultaneously to both parties.

7.3 Appeal Timeframe

The appellate decision-maker will release the written decision within twenty (20) Business Days of receiving the appeal.

Section 8: Informal Resolution Process

At any time after a Formal Complaint has been signed and before a determination regarding responsibility has been reached, the parties may voluntarily agree to participate in an informal resolution facilitated by Trinity Baptist College, that does not involve a full investigation and adjudication. Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and restorative justice and resolution by agreement of the parties.

8.1 Informal Resolution Notice

Prior to entering the informal resolution process, Trinity Baptist College will provide the parties a written notice disclosing:

- The allegations;
- The requirements of the informal resolution process, including the right of any party to withdraw from the informal resolution process and resume the grievance process and the circumstances which preclude parties from resuming a Formal Complaint arising from the same allegations;
- Consequences resulting from the informal resolution process, including that the records will be maintained for a period of seven (7) years but will not be used by investigators or decision-makers if the formal grievance process resumes.

8.2 Informal Resolution Agreement

Prior to entering the informal resolution process, the parties must voluntarily agree, in writing to the use of the informal resolution process.

8.3 Informal Resolution Availability

The informal resolution process is not permitted to resolve allegations that an employee committed Sexual Harassment against a student.

8.4 Informal Resolution Timeframe

Informal resolutions of a Formal Complaint will be concluded within 45 days of notice to Trinity Baptist College that both parties wish to proceed with the informal resolution process. Such notice that the parties wish to proceed with an informal resolution process will “pause” the counting of the timeframe to conclude the Grievance Process of this Policy, should the informal resolution process fail and the parties continue with the Grievance Process.

8.5 Informal Resolution Documentation

Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven (7) years. However, no recording of the informal resolution process will be made and all statements made during the informal resolution process will not be used for or against either party (and the decision-maker and/or appellate decision-maker may not consider any such statement made during informal resolution) should the parties resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

Section 9: Emergency Removal and Administrative Leave

9.1 Emergency Removal

At any time after the Title IX Coordinator is on notice of Sexual Harassment, Trinity Baptist College may remove a Respondent on an emergency basis. Trinity Baptist College will only conduct an emergency removal after:

- Undertaking and individualized safety and risk analysis,
- Determining that an immediate threat the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and
- Providing the Respondent with notice and an opportunity to challenge the decision to the Title IX Coordinator, within two (2) Business Days following the removal.

9.2 Administrative Leave

Trinity Baptist College may place a non-student employee Respondent on administrative leave during the pendency of the grievance process in this Policy.

Section 10: Recordkeeping

Trinity Baptist College will maintain all of the documentation related to reports of Sexual Harassment, Formal Complaints, the grievance process, and information resolution process for seven years in accordance with state and federal records laws and requirements. The documentation of all records is private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under Family Education Rights and Privacy Act (FERPA). Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws, and included in the employee's official employment record.

Section 11: Additional Conduct Violations Related to This Policy

Alleged violations of the terms in this section will be sent to the Dean of Students and/or the Office of People & Culture Office for investigation and adjudication under the Trinity Baptist College Code of Conduct or Employee Handbook.

1. **Retaliation**
2. **False Information**
3. **Interference with Grievance Process**
4. **No Contact Directive Violations**

Section 12: Other Related Policies and Procedures

- Student Handbook
- College Catalog

- Employee Handbook

Section 13: Modification and Review of the Policy

Trinity Baptist College reserves the right to modify this Policy to take into account applicable legal requirements. Trinity Baptist College will regularly review this Policy to determine whether modifications should be made.

Appendix A: Florida Laws

Domestic Violence and Dating Violence

741.28 “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.

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

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

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

Rape and Statutory Rape are classified under Sexual Battery in Florida

784.046(c): “Sexual violence” means any one incident of:

1. Sexual battery, as defined in chapter 794;
2. A lewd or lascivious act, as defined in chapter 800, committed upon or in the presence of a person younger than 16 years of age;
3. Luring or enticing a child, as described in chapter 787;
4. Sexual performance by a child, as described in chapter 827; or
5. Any other forcible felony wherein a sexual act is committed or attempted,

794.011(1)(h) “Sexual battery” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

794.011 (2)(a) A person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a capital felony, 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) A person 18 years of age or older who commits sexual battery upon a person 12 years of age or older but younger than 18 years of age without that person’s consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. [775.082](#), s. [775.083](#), s. [775.084](#), or s. [794.0115](#).

(b) A person 18 years of age or older who commits sexual battery upon a person 18 years of age or older without that person’s consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), s. [775.084](#), or s. [794.0115](#).

(c) A person younger than 18 years of age who commits sexual battery upon a person 12 years of age or older without that person’s consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), s. [775.084](#), or s. [794.0115](#).

Stalking

784.048(2) Stalking: A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking

784.048 (3) Aggravated Stalking: A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking

784.048(1)(a): "Harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.

784.048(1)(d) "Cyberstalk" means:

1. 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; or
2. To access, or attempt to access, the online accounts or Internet-connected home electronic systems of another person without that person's permission, causing substantial emotional distress to that person and serving no legitimate purpose.

826.04 Incest

Whoever knowingly marries or has sexual intercourse with a person to whom he or she is related by lineal consanguinity, or a brother, sister, uncle, aunt, nephew, or niece, commits incest, which constitutes a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#). "Sexual intercourse" is the penetration of the female sex organ by the male sex organ, however slight; emission of semen is not required.