

3.0. Intellectual Property Ownership

3.0.1 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 3.0.2 D.2. and 3.0.2 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.

3.0.2 Intellectual Property Ownership

- A. **Policy Summary.** As further described in this Section 3.0.2, 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 3.0.2 H.) or is created in furtherance of a faculty administrative, governance, or other institutional service role (as defined in 3.0.2 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 3.0.2 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 3.0.2 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. **Commissioned Work Defined.** 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 3.0.2.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.

3.0.3 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.

3.0.4 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.

3.1. Responsible Use of Electronic Communications Resources Policy

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 his/her 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 that use of electronic communications complies with the 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.

What follows is a list of some of the potential behaviors associated with computer use that are considered violations of the Student Code of Conduct and Prohibitions for All Campus Members. 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 Student Code of Conduct will be adjudicated accordingly.

Examples of Violations

- A.** Violations targeted at a specific individual(s)
 - Sending harassing, 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 activities and/or the institution
 - Propagating electronic chain mail.
 - Interfering with freedom of expression of others by "jamming" or "bombing" electronic mailboxes.

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- 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.
- D.** Violations targeted at classes of individuals
- Posting hate speech regarding a group's race, ethnicity, religion, gender, or sexual orientation.
 - Harassing or threatening classes of individuals.

3.2. Responsible Use of Information Technology Resources Policy

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.

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. Each user is responsible for becoming familiar with his/her 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:

- 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.rsad.edu/manage.html to check your resource quotas);
- Attempting to decrypt coded information such as passwords;
- Using any Internet Protocol (IP) address inside or outside the Ringling 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 your 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.

The World Wide Web users should be aware that it is possible for software on a Web site 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 E-mail 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 E-mail. 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 electronic mail 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 E-mails must be given by the 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.

3.3. Domestic Partner Policy

Policy Statement

The domestic partner of a Full-time Ringling College of Art and Design employee is eligible for coverage under the Ringling College of Art and Design Group Health Plan. To be eligible for coverage, the employee and his/her partner must satisfy all of the criteria for "Domestic Partnership", and complete and sign the College's "Affidavit of Domestic Partnership." Domestic Partners are subject to the same eligibility criteria and plan provisions that govern eligible spouses in the College's group health plan.

Domestic Partners of employees are not entitled to elect COBRA continuation coverage.

Definition of Domestic Partnership

Ringling College of Art and Design defines a Domestic Partner as the partner of an eligible College employee who meets the following criteria:

- The partners have had an exclusive mutual commitment similar to that of marriage for at least six months, the partners have lived together for at least six months, and the partners intend to maintain their commitment indefinitely.
- Neither partner is legally married to anyone else nor has another domestic partner.
- The partners are not related by blood closer than would bar marriage in their state of residence.
- Both partners are at least eighteen years old and mentally competent to consent to contract.
- The partners are jointly responsible for each other's common welfare and financial obligations.

Registration of Domestic Partnership

Before enrolling a Domestic Partner, the College employee must complete an "Affidavit of Domestic Partnership." The completed Affidavit is to be returned to the Office of Human Resources.

Employees must notify the Office of Human Resources in writing of the termination of a Domestic Partnership within 30 days of its termination.

If an employee does not report the termination of a domestic partnership within 30 days of its termination and the plan pays post-termination claims for the former domestic partner, the employee will be required to reimburse the plan for the post-termination claims.

If a partnership ends and a new Domestic Partnership is established, the new Domestic Partner will not qualify as a dependent under the Ringling College of Art and Design Group Health Plan for a period of six months from the date coverage was discontinued for the previous domestic partner.

Legal Consequences of Domestic Partnership

Please note that some courts have recognized non-marriage relationships as the equivalent of marriage for the purpose of establishing and dividing community property. A declaration of common welfare, such as the "Affidavit of Domestic Partnership" may therefore have legal implications. Employees should consult an attorney to learn the extent of those implications.

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Tax Consequences of Domestic Partnership

Domestic Partner coverage may be purchased via after-tax payroll deduction by the employee.

Under the Internal Revenue Code, an employee is not taxed on the value of benefits provided by an employer to an employee's spouse or dependent. However, the IRS has ruled that a domestic partner does not qualify as a spouse.

The College will treat the value of the benefits provided to an employee's domestic partner as part of the employee's income, and will withhold applicable taxes on the value of those benefits from the employee's paychecks. If the employee's domestic partner qualifies as a dependent under Section 152 of the Internal Revenue Code, the employee may file the proper documentation with the IRS and seek a refund for taxes withheld.

Ringling College of Art and Design does not assume responsibility for any tax obligation that might result for an employee or his/her Domestic Partner.

3.4. 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.

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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

Deputy Title IX Coordinator

Dr. Tammy S. Walsh
Vice President for Student Life and Dean of Students
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Deputy Title IX Coordinator

Darren Mathews
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Approved by the Board of Trustees, November 12, 2020
Updated 6/1/2021
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3.5. 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

Deputy Title IX Coordinator (Faculty and Staff):

Darren Mathews – Assistant Vice President and Director of Human Resources

SECTION: ADMINISTRATIVE POLICIES
SUBJECT: Sexual Misconduct and Title IX Policy
Approved By: Board of Trustees
Effective Date: April 20, 2023

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Office location: Verman Kimbrough Bldg, First Floor
Mail: 2700 N. Tamiami Trail, Sarasota, FL 34234
(941) 359-7619 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

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

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.

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. 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

SECTION: ADMINISTRATIVE POLICIES
SUBJECT: Sexual Misconduct and Title IX Policy
Approved By: Board of Trustees
Effective Date: April 20, 2023

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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 24 Hour Help-line: 941-755-6805
Outreach Office: 941-747-8499

Manatee Glens Rape Crisis Services www.manateeglens.org
Rape Crisis Hotline: 941-708-6059
Main number: 941-782-4100

Legal Aid Manasota
Legalaidthofmanasota.org
Legal Hotline: (800) 625-2257

Florida Council Against Sexual Violence
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 complaint, 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

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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

3.6. Conflict of Interest Policy for Board of Trustees, Officers, Former Officers, and Key Employees

I. Scope.

The following statement of policy applies to each member of the Board of Trustees, Officers, Former Officers, and to Key Employees of Ringling College of Art and Design, Inc. It is intended to serve as guidance for all persons employed by the institution in positions of significant responsibility and authority, including, but not limited to, the following: Senior Officers of the institution and all deans and directors.

II. Fiduciary Responsibilities.

Board members, Officers, Former Officers and Key Employees of Ringling College of Art and Design, Inc. serve the public trust and have an obligation to fulfill their responsibilities in a manner consistent with that trust. All decisions of the Board of Trustees, Officers, Former Officers, Key Employees and members of the administration and faculty are to be made solely on the basis of a desire to advance the best interests of the institution and the public good. The integrity of Ringling College of Art and Design, Inc. is to be protected at all times.

Men and women of substance often are involved in the affairs of other institutions and organizations. Effective governing boards, administrations, and faculties will include individuals who have relationships and affiliations that may raise questions about perceived conflicts of interest. Although many such potential conflicts are and will be deemed inconsequential, every individual member of the Board of Trustees, Officers, Former Officers, Key Employees and the senior administration have the responsibility to ensure the Board of Trustees is made aware of situations that involve personal, familial, or business relationships that could be troublesome. Thus, the board requires each member of the Board of Trustees, Officers, Former Officers, and Key Employees annually (a) to be familiar with the terms of this policy; (b) to disclose to the Board Chair before the conflict arises any possible personal, familial, or business relationships that reasonably might give rise to a conflict involving Ringling College of Art and Design, Inc.; and (c) to acknowledge by his or her signature on the "Disclosure Of Conflict Of Interest Form For Ringling College Of Art and Design" that he or she is in accordance with the letter and spirit of this policy.

III. Disclosure.

All members of the Board of Trustees, Officers, Former Officers and Key Employees are requested to list on this form business relationships with substantial benefit which:

- (a) they and members of their family maintain with organizations that do business with Ringling College of Art and Design, Inc., or
- (b) that potentially could be construed to affect their independent, unbiased judgment in light of their decision-making authority and responsibility.

Conflicts that may arise while business matters are discussed in Trustee meetings should be disclosed. Trustees, Officers, Former Officers and Key Employees should consider whether a reasonable observer with knowledge of all of the relevant facts would conclude that the Trustee, Officer, Former Officer or Key Employee had an actual or apparent conflict of interest in the decision made.

If a Trustee, Officer, Former Officer or Key Employee is uncertain whether to list a particular relationship or identify a particular conflict that arises; the Board Chair should

be consulted. The Chair may elect to seek the judgment of the Executive Committee (or the Committee on Trusteeship) before informing and consulting with the entire Board within an executive session.

Information shared or gathered as a result of such consultations (including information provided on this form) shall be confidential except when the institution's best interests would be served by disclosure. Such disclosure will be made only after informing those concerned.

IV. Restraint on Participation.

Trustees or Officers who have declared a conflict of interest, or who have been found to have a conflict of interest, shall refrain from participating in consideration of proposed transactions with such entity or person unless the Board or administration requests information or interpretation for special reasons. Should a conflict of interest matter require an Executive Committee or Board of Trustees vote to resolve, those with such conflict shall not be present at the time that the discussion relating to the conflict is occurring or at the time of the vote. Any invitation or removal of a Trustee Member, Trustee Committee Member or Officer will be recorded in the minutes of the meeting and be documented on the "Disclosure of Conflict of Interest Form for Ringling College of Art and Design" at the time that it occurs.

Definitions

The following definitions are provided to help Trustees, Officers, Former Officers and Key Employees decide whether a relationship should be listed on the disclosure:

- **Business Relationship:** One in which a Trustee, Officer, Former Officer, Key Employee or a member of his or her family as defined below serves as an officer, director, employee, partner, trustee, or controlling stockholder of an organization that does substantial business with Ringling College of Art and Design, Inc.
- **Key Employee:** For purposes of Form 990, an employee of an organization (other than an officer, director, or trustee) who meets all three of the following tests applied in the following order:
 1. **\$150,000 Test.** Receives reportable compensation from the organization and all related organizations in excess of \$150,000 for the calendar year ending with or within the organization's tax year.
 2. **Responsibility Test.** The employee:
 - a. has responsibilities, powers or influence over the organization as a whole similar to those of officers, directors, or trustees;
 - b. manages a discrete segment or activity of the organization that represents 10% or more of the activities, assets, income, or expenses of the organization, as compared to the organization as a whole; or
 - c. has or shares authority to control or determine 10% or more of the organization's capital expenditures, operating budget, or compensation for employees.
 3. **Top 20 Test.** Is one of the 20 employees that satisfy the \$150,000 Test and Responsibility Test with the highest reportable compensation from the

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organization and related organizations for the calendar year ending with or within the organization's tax year.

- Family Member: A spouse, parent, sibling (whole or half blood), child (natural or adopted), ancestor, grandchild, great-grandchild or a spouse of a sibling, child, grandchild or great-grandchild of the Trustee, Officer, Former Officer or Key Employee.
- Substantial Benefit: When a Trustee, Officer, Former Officer, Key Employee or a member of their family
 - (a) is the actual or beneficial owner of more than 5 percent of the voting stock or controlling interest of an organization that does substantial business with the college or
 - (b) has other direct or indirect dealings with such an organization from which the Trustee, Officer, Former Officer, Key Employee or a member of their family benefits directly, indirectly, or potentially from cash or property receipts totaling \$10,000 or more annually.

*Adopted by the Board of Trustees February 24, 2004
Revisions adopted by the Board of Trustees, April 24, 2014*

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3.7. Whistleblower Policy

An employee who reasonably believes that a policy, practice, or activity of Ringling College of Art and Design is in violation of a Federal, State or local law, rule or regulation may file a written complaint with the Vice President for Human and Organizational Development or with the President of the College.

It is the intent of Ringling College of Art and Design to adhere to all laws, rules and regulations that apply to the College, and the underlying purpose of this Policy is to support the Ringling College of Art and Design goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws, rules and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of the Vice President for Human and Organizational Development or the President and provides that individual with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees that comply with this requirement.

Ringling College of Art and Design will not retaliate against an employee who, in good faith, has made a protest or raised a complaint against some practice of the College, or of another individual or entity with whom Ringling College of Art and Design had a business relationship, on the basis of a reasonable belief that the practice is in violation of law, rule, regulation or a clear mandate of public policy.

Ringling College will not retaliate against an employee who discloses or threatens to disclose to an appropriate governmental agency any activity, policy, or practice of the College that the employee reasonably believes is in violation of a law, a rule, or regulation mandated pursuant to law or is in violation of a clear mandate or public policy concerning health, safety, welfare, or protection of the environment.

Adopted by the Board of Trustees on April 22, 2010

3.8. Records Management Policy

Ringling College of Art and Design requires that its records be managed in a systematic manner according to plans developed by the departments that maintain those records, and consistent with applicable law.

The College is committed to effective records management including meeting legal requirements for record retention and privacy protection, optimizing the use of space, minimizing the cost of record retention, and properly destroying outdated records. This policy applies to all records, regardless of whether they are maintained in hard (paper) copy, electronically, or in some other fashion.

The College is subject to a range of Federal and State requirements regarding record retention. Each department should develop a records management plan appropriate for the particular records it maintains.

Records Management Procedures and Practices

Departments that maintain College records are responsible for establishing appropriate records management procedures and practices. Each department head or a designee should:

1. Develop the department or office records management procedures and practices, consistent with the College's Records Management Policy;
2. Educate staff within the department in understanding the policy, procedures and practices;
3. Restrict access to confidential records and information; and
4. Coordinate the destruction of records as provided in the departmental procedures.

Confidential Information

Many records subject to record retention requirements contain non-public confidential data. Such records are protected by federal, state and local statutes, including the Family Educational Rights and Privacy Act (FERPA), the Gramm-Leach Bliley Act (GLBA), and the Health Insurance Portability and Accountability Act (HIPAA). In addition to statutory requirements, any record that contains confidential data should be treated consistent with College policy.

Preservation of Records Relevant to Legal Matters

Ringling College expects all officers, directors and employees to comply fully with any published record retention and destruction policies and schedules EXCEPT if you believe or you are informed that College records are relevant to litigation or anticipated litigation.

Any record that is relevant to any pending or anticipated litigation, claim, audit, agency charge, investigation or enforcement action shall be retained until final resolution of the matter. In these circumstances, the Executive Vice President will notify relevant departments of a "litigation hold" and work with staff to identify and preserve any records (including electronic records) and other information that could be relevant to the matter. This will include a directive that the department's normal document destruction policies or protocols temporarily be suspended. Routine destruction will not be resumed without the written approval of the President.

No employee who has been notified of a litigation hold may alter or delete a record that falls within the scope of that hold. Violations of that hold may subject the individual to disciplinary action up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

Employees who become aware that an investigation or legal proceeding against the institution is anticipated or has commenced must promptly notify the Office of the Executive Vice President

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Permitted Routine Disposal and Destruction of Records

Consistent with the College's Records Management Policy, and with departmental records management practices and procedures, records can be destroyed in one of the following ways:

1. Recycle non-confidential paper records;
2. Shred or otherwise render unreadable confidential paper records; or
3. Erase or destroy electronically stored data. (The Office of Institutional Technology can assist in effectively disposing of this data.)

The Executive Vice President or the Office of Human Resources is available to work with individual departments to implement this Policy and departmental retention and destruction schedules. Questions may be addressed to these offices.

3.9 Institutional Policy Governing CCTV

Purpose

The purpose of this policy is to govern the use of closed circuit television (CCTV) equipment to record and periodically monitor activity in public areas of the campus for the purpose of law enforcement, safety and security, while retaining a balance in protecting the privacy of its community members.

Definitions

CCTV - A generic term used to describe a variety of video security technologies. More specifically, CCTV refers to a system in which one or more video cameras are connected in a closed circuit or loop, with the images produced being sent to a central video monitor and recording system. As used in this policy, the term CCTV applies only to video images that do not have an aural component.

Concealed CCTV Equipment - A hidden camera that is either not visible from normal view or disguised as another object.

Overt CCTV Equipment - A camera is overt when it is not hidden from general view or disguised as another object, regardless of whether or not an individual actually sees the monitoring device or knows of its existence. Unless specifically stated otherwise, all CCTV equipment referenced in this policy and the CCTV Operational Procedures will be overt CCTV equipment.

Scope

This policy applies to all College personnel in the use of CCTV technology.

Policy

The Ringling College of Art and Design is committed to enhancing the overall safety of members of the College community. Toward that end, it is the policy of the College to utilize CCTV to enhance personal safety, help deter crime, collect information and evidence of actual or potential criminal activity, and protect property. The use of CCTV will be conducted in a manner consistent with the values of the institution, including a reasonable expectation of privacy, and in compliance with all Federal, State, and Local laws, and existing College policies, including the Non-Discrimination Policy and Non-Harassment Policy.

The Department of Public Safety, under the supervision of the Director of Public Safety and with the authorization of the Vice President for Finance and Administration and the Senior Officers of Ringling College of Art and Design, may install, maintain and use CCTV equipment at locations on College owned or controlled property where it is believed that the use of this equipment will contribute to the safety and security of persons and/or the protection of property. The Director of Public Safety and designated Public Safety staff members are authorized to use video equipment as outlined in this policy. The CCTV Oversight Committee may approve other personnel to view live images at approved locations.

The Department of Public Safety, along with other Departments as appropriate, shall be responsible for all installed CCTV equipment. Safety and security purposes include, but are not limited to the following:

- Recording of building perimeters, entrances and exits, lobbies and corridors, receiving docks, specialized spaces containing high value items and cashier locations.
- Recording of access controlled locations.
- Recording of locations protected by intrusion alarms, and hold-up alarms.
- Recording sidewalks, and parking lots.
- Reviewing recorded images as part of a criminal investigation.

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- Conducting surveillance of areas prone to on-going criminal activity.
- Recording of ATM locations.
- Recording of call box or blue light security phone locations.

The Department of Public Safety, with the assistance of Facilities Maintenance and Institutional Technology, shall make efforts to inform members of the College community of the presence and purpose of CCTV systems through appropriate signage, information on the College's website, and other means as decided by those departments. Concealed CCTV may be initiated to address serious, repetitive campus violations or at the request of law enforcement officers in compliance with Federal, State and Local laws and in connection with suspected criminal activity.

Concealed CCTV will not be used inappropriately.

Personnel involved in the use of CCTV shall be appropriately trained and supervised in accordance with College policies and procedures. Violations of the established policies and operating procedures may result in disciplinary action and possible termination.

To assist with this College policy, a CCTV Oversight Committee (the Committee) shall be established to oversee the Department of Public Safety's use of CCTV. The Committee will consist of:

- VP for Finance and Administration
- Asst. VP/Director of Human Resources
- VP for Student Life and Dean of Students
- Director of Institutional Technology
- Academic Affairs administrative representative
- Asst. VP for Facilities Management
- College Counsel (advisory, as needed)
- Director of Public Safety (ex-officio) (non-voting)
- Public Safety Technology Specialist (ex-officio) (non-voting)

The Committee is to serve several functions. First, the Committee shall review the purposes of the proposed CCTV system and operating procedures. Second, the Committee shall approve camera locations prior to the installation of cameras including the review of a site location map indicating camera placement, field of view, design intent and site challenges. Members of the College community who may wish to express privacy concerns regarding the placement of cameras may petition the Committee to review the appropriateness of a given camera or cameras. The Committee shall determine the appropriateness of an installation weighing the concerns of the person(s) making the requests against the safety, security and crime prevention value of the camera(s) and render a determination as to whether or not a camera should be removed or changed.

The Committee is responsible for developing guidelines for the release of CCTV images. In addition, the Committee may review a log of all requests received by the Department of Public Safety to release recorded video images obtained through CCTV use and the course of action taken based upon the approved guidelines. Requests from individuals to review images or for Public Safety to review camera images related to incidents will be reflected in incident reports and logged. Excluded from review by the Committee are releases of recorded video images directly related to a search warrant or subpoena.

Approved by Senior Officers Plus 6/21/2017

3.10 Health and Safety Policies

3.10.1. Environmental Health and Safety Policy

The Environmental Health and Safety (EHS) Policy for Ringling College of Art and Design (Ringling College) demonstrates the commitment that the College assigns to matters of EHS. The President recognizes the importance of maintaining the health and safety of the College's employees, students and visitors while at Ringling College of Art and Design. To that end, the College has adopted environmental protection procedures. The President has delegated duties to specific employees to facilitate the day to day operation of particular areas and activities.

Ringling College will establish and implement local safe working and learning procedures together with College-wide safety procedures for EHS issues.

In pursuit of the overall environmental health and safety objectives, Ringling College will:

- Establish environmental health and safety procedures that relate to its academic and business objectives, as set out in the Strategic Plan and the Institution's Core Values.
- Ensure compliance with all legal requirements defined by Federal, State and local laws and regulations and commit to pursuing progressive improvements in environmental health and safety.
- Ensure that information, instruction and training is provided to its employees and students in order that those involved are aware of and can fulfill, their responsibilities safely.
- Promote communication and consultation with employees and students to develop high levels of awareness and encourage their participation in environmental health and safety matters.
- Conduct hazard assessments, inspections and monitoring programs to ensure compliance with the managerial and operational objectives.
- Provide the staffing, financial and other resources, as necessary, to meet these objectives.
- Review the Environmental Health and Safety Policy at least annually.

Scope

The policy applies to all faculty, staff, students and visitors and to all sites under the control of Ringling College.

Aims

The aims of this policy are to:

- a) Provide a safe working environment for employees, students and visitors.
- b) Reduce injuries and illnesses to the lowest possible level.
- c) Increase awareness and understanding of environmental health and safety arrangements and procedures.
- d) Outline duties for key personnel within Ringling College to implement this policy.

Principles

This policy meets the requirements of Federal, State and local laws and regulations to secure the environmental health and safety concerns for the campus community. Ringling College gives the highest priority to safeguarding the health and safety of its employees, students and visitors who may be affected by its operations. Ringling College will fulfill its commitment to these goals by:

- a) Providing and safely maintaining facilities, machinery and equipment.
- b) Handling, storing, transporting and disposing of substances and objects safely.
- c) Providing information, instruction, training and supervision.
- d) Providing safe access to and egress from the workplace.
- e) Providing suitable sanitation facilities.

Ringling College recognizes the importance of making appropriate arrangements for securing safe and healthy procedures. Effective planning, organization, control, monitoring and reviewing of the preventive and protective measures will be achieved by:

- a) Working to eliminate and/or reduce hazards.
- b) Controlling the risks.
- c) Removing or reducing exposure.
- d) Replacing dangerous materials and processes with safer ones.
- e) Training and supervising.
- f) Issuing personal protective equipment.

Responsibilities for Environmental Health and Safety

Organizational Structure for Environmental Health and Safety

Ringling College has established and maintains records of the procedures for the effective planning, organization, control, monitoring, and review of its preventative measures including:

- a) The appointment of appropriate staff including a Director of Environmental Health and Safety and a Director of Public Safety.
- b) Regular meetings of the Environmental Health and Safety Committee.
- c) Regular meetings of appropriate sub-committees.

The roles and responsibilities of key personnel with regard to environmental health and safety are as follows:

President

The Board of Trustees has overall oversight of policies that maintain a healthy and safe environment for employees, students and visitors to Ringling College. The Board of Trustees delegates the administration and the implementation of policy to the President. The President assigns duties and defined accountabilities to specific staff, in particular the Director of Environmental Health and Safety. The President charges and appoints the Environmental Health and Safety Committee and appoints the Vice President for Finance and Administration as chair. The President takes steps to provide sufficient personnel and resources dedicated to the implementation of the EHS Policy.

Vice Presidents

The Vice Presidents report directly to the President. They are responsible for equipment and facilities that meet the requirements for a safe and healthy work and learning environment.

Director of Environmental Health and Safety

The Director of Environmental Health and Safety has the administrative responsibility for the development, management and enforcement of occupational, academic and environmental health and safety programs for Ringling College. The Director reports to the Vice President for Academic Affairs and has the authority to stop any activity which puts people at risk of serious injury.

Director of Public Safety

The Director of Public Safety shall maintain the safety and wellbeing of the campus community including fire safety and first aid. The Director reports to the Vice President for Finance and Administration.

Department Heads

Department Heads maintain the environmental health and safety for their academic areas. They have the authority to stop any work that puts people at risk of injury. The Department Heads report to the Vice President for Academic Affairs.

Managers and Supervisors

Managers and supervisors maintain the environmental health and safety of their staff and report through the normal hierarchy.

Employees (Faculty and Staff)

Employees should take reasonable care for their own health and safety and that of others who may be affected by their acts or omissions at work. They should use all work items correctly and in accordance with their training. Employees also have a duty to inform the employer (supervisor or appropriate person, e.g. Director of EHS) of any work situation that represents an immediate danger in their work environment.

Students

Ringling College implements environmental health and safety procedures to fulfill its duty of care to its students. Ringling College will train and inform students about those aspects of environmental health and safety relating to their study. Students using the buildings and facilities provided by Ringling College have a responsibility to ensure that protection given to them is not misused. Misuse may lead to disciplinary action as specified under the student code of conduct.

Arrangements and Procedures for Environmental Health and Safety

General Arrangements

The Environmental Health and Safety Policy outlines the general arrangements in place throughout Ringling College for providing a safe and healthy working environment. It is available to all employees, both full-time and part-time, students, and visitors.

Safety Procedures

The safety procedures have been produced to supplement the information contained in this policy. They are available on Ringling College's EHS website or from the department or program area. The safety procedures provide details of specific environmental, health or safety procedures. These are produced in consultation with Department Heads, Technical staff, and Administrative departments and are submitted for approval to the Health and Safety Subcommittee.

Ringling College has an emergency response plan that details the arrangements for events including accidents and incidents, hazardous spills and first aid treatment. The campus is inspected regularly by various departments including Environmental Health and Safety, Public Safety, and Residence Life. This is one of the methods used to monitor implementation of Ringling College's EHS Policy.

Environmental Health and Safety Training

The department develops and provides EHS training based upon job specific requirements. This includes general orientation training, and instruction on specific topics such as hazard communication and machine guarding. The EHS website provides a full list of available training for employees.

Training for students, which is specific to the activities occurring in the department or program areas, will be provided by faculty members.

Committees

The Environmental Health and Safety Committee will meet to review and/or recommend the adoption of policies and procedures for EHS issues. The Committee will also consider campus wide issues relating to industrial health and hygiene, security, and the campus facilities. The Health and Safety Subcommittee and Environmental Compliance Subcommittee report to Environmental Health and Safety Committee. The purpose of these committees is to assist Ringling College in achieving the objectives set by this policy. The membership and charge for the committees are available on the Human Resources website.

Enforcement of the Policy

Ringling College will take seriously any violation of the EHS Policy by employees or students. A breach of this Policy will be investigated and where appropriate, action will be considered under the disciplinary code for employees / students.

Access to the Policy

This Policy will be available in the Library and posted on the Human Resources and EHS websites.

3.10.2. Bloodborne Pathogen Exposure Control Policy

Introduction

Some employees have jobs that require them to work in areas or to perform duties that can cause them to be exposed to blood or other potentially infectious materials.

The Occupational Safety and Health Administration (OSHA) has issued a Standard to protect employees from bloodborne pathogens. This standard applies to all occupational exposure to blood and other potentially infectious materials. Hepatitis B and AIDS are two of the most widely publicized diseases that are caused by bloodborne pathogens.

Purpose and Scope

Ringling College of Art and Design is committed to protecting its community from risks associated with exposure to bloodborne pathogens through implementation of a Bloodborne Pathogen Exposure Control Plan. Ringling has established this policy to minimize or eliminate exposure to bloodborne pathogens. This policy will provide information and training to protect employees from the health hazards associated with bloodborne pathogens and ensure compliance with OSHA Standard 29 CFR 1910.1030.

References

1. 29 CFR 1910.1030, OSHA Bloodborne Pathogens Standard
2. State of Florida, Department of Health and Rehabilitative Services (HRS) Chapter 10D-104, Florida Administrative Code on Bio-hazardous Waste
3. Ringling College of Art and Design, Ad-Hoc Committee on Bloodborne Pathogens, Policy and Recommendations, December 1996

Responsibilities

The Safety Committee shall review and update the Bloodborne Pathogen Exposure Control Plan at least annually. Additional meetings will be conducted as deemed necessary by the Safety Committee or the Director of Public Safety. The Safety Committee shall be responsible for the following:

1. Develop, review, revise and implement the Bloodborne Pathogen Exposure Control Plan as new or revised job descriptions are developed and/or as new or modified tasks and procedures are developed which affect positions with possible occupational exposure.
2. Review, revise, and implement the specific policy/procedure components of the Bloodborne Pathogen Exposure Control Plan as the need arises, but no less frequently than annually.
3. Review the circumstances surrounding exposure incidents with the goal of identifying and correcting problems in order to prevent the recurrence of similar incidents.
4. Maintain written minutes of meetings in sufficient detail to document all pertinent proceedings.
5. Ensure that a copy of the Bloodborne Pathogen Exposure Control Plan is accessible to employees.
6. Assure that all components of the Bloodborne Pathogen Exposure Control Plan are made available to for examination and copying upon request.

The College shall:

1. Adopt the Bloodborne Pathogen Exposure Control Plan for the College.
2. Know and understand all elements of the Bloodborne Pathogen Exposure Control Plan.
3. Ensure financial and administrative support is available to implement the Exposure Control Policy.
4. Encourage and support supervisory staff efforts to implement the policy.

Director of Public Safety shall:

1. Develop and initiate implementation of the campus Bloodborne Pathogen Exposure Control Plan.
2. Know and understand all elements of the Bloodborne Pathogen Exposure Control Plan.
3. Advise personnel at all levels of responsibility on all aspects of the standard.
4. Investigate all accidents involving blood or other potentially infectious materials.
5. Maintain all records relating to accident investigations.
6. Act as liaison between the College and regulatory agencies concerning compliance with the Bloodborne Pathogens Standard.
7. Conduct periodic inspections of departments to ensure compliance with the Bloodborne Pathogen Exposure Control Plan.

Office of Human Resources shall:

1. Complete OSHA record keeping requirements and maintain employee medical records related to the Bloodborne Pathogen Exposure Control Plan.
2. Maintain training and exposure determination records.
3. Coordinate scheduling of hepatitis B vaccinations, post-exposure evaluations and follow-ups with private or contract health care professionals.

Supervisory Staff shall:

1. Know and understand all aspects of the Bloodborne Pathogen Exposure Control Plan.
2. Designate an individual, if not themselves, to coordinate the program for their staff.
3. Train and arrange for the training of staff.
4. Assure proper implementation of the plan within their department.
5. Provide necessary resources to staff to implement relevant aspects of the plan. When necessary resources are not available to the supervisor, it shall be the supervisor's responsibility to inform the appropriate administrator of the program need.

Faculty shall:

1. Know and understand all of the Bloodborne Pathogen Exposure Control Plan.
2. Identify courses or majors in their respective programs that may be influenced by the Bloodborne Pathogens Standard. Where such courses or majors are identified, faculty shall inform students of all relevant aspects of the standard and prepare them to safely perform their work at the College.

Employees shall:

1. Know, understand, and comply with all aspects of the Bloodborne Pathogen Exposure Control Plan.

Key Definitions

Appropriately labeled or **color-coded** means the following: "Label" refers to the universal biohazard symbol, printed in fluorescent orange or orange-red color, with the

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word "Biohazard" printed in contrasting color. "Color-coded" refers to bags or containers that are red.

Bloodborne pathogens means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Contaminated means the presence or the reasonably anticipated presence of human blood or other potentially infectious materials on an item or surface.

Contaminated laundry means laundry which has been soiled with blood or other potentially infectious materials.

Contaminated sharps means any contaminated object that can penetrate the skin including, but not limited to needles, broken glass and Exacto knife blades.

Decontamination means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Engineering controls means controls (e.g., sharps containers) that isolate or remove the bloodborne pathogens hazard from the work place.

Exposure incident means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

Hand washing facilities means a facility providing an adequate supply of running potable water, soap and single-use towel or hot air drying machines.

HBV means hepatitis B virus.

HIV means human immunodeficiency virus.

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

Other potentially infectious materials (OPIM) means (1) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; and (2) any unfixed tissue or organ (other than intact skin) from a human (living or dead).

Parenteral means piercing mucous membranes or the skin barrier through such events as needle-sticks, human bites, cuts and abrasions.

Personal protective equipment (PPE) is specialized clothing or equipment worn by an employee for protection against hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard and are not considered personal protective equipment.

Regulated waste means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials capable of releasing these materials during handling; contaminated sharps, pathological and microbiological wastes containing blood or other potentially infectious materials.

Source individual means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, trauma victims.

Universal precautions are an approach to infection control. The approach treats all human blood and certain human body fluids as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

Work practice controls mean controls that reduce the likelihood of exposure by altering the manner in which a task is performed.

Exposure Determination

All Ringling College of Art and Design employees in the following job classifications have occupational exposure:

1. Public Safety Officers
2. Physical Plant Personnel

Specific exposure tasks are:

1. Any first-aid or cardio-pulmonary resuscitation (CPR). Trained personnel who have been specifically authorized through a written job description to respond to emergencies that may involve blood or other potentially infectious materials.
2. All personnel involved in handling or transporting regulated infectious waste.
3. Personnel who work on effluent plumbing systems or other equipment which may be contaminated with blood or other potentially infectious materials.

Personnel required to perform these activities as part of their assigned job duties have occupational exposure and are affected by the standard.

Personnel included in this list are required to comply with all requirements of the Bloodborne Pathogen Exposure Control Plan. The list of personnel affected by this standard will be retained by the Office of Human Resources.

Students are not affected by this standard unless they are employed and receive monetary payment from Ringling College of Art and Design in one of the above listed job classifications or job class specific tasks. However, Ringling College of Art and Design will take action to minimize or eliminate students' exposure to blood and other potentially infectious materials in courses and other college-sponsored activities.

Methods of Compliance

Universal Precautions shall be observed throughout all areas of Ringling College where reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious material may result.

All blood or other potentially infectious material will be considered infectious regardless of the perceived status of the source individual.

Engineering and work practice controls shall be utilized where practical to eliminate or minimize exposure to employees on campus.

Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.

Engineering Controls and work practice controls shall be used to minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used. Engineering controls shall be examined at least weekly and shall be serviced as necessary for proper operation. Supervisory staff shall be responsible for inspections.

Departments shall provide hand-washing facilities that are readily accessible to employees receiving occupational exposure. Where this is not feasible, antiseptic hand cleanser and paper towel or antiseptic towelettes shall be provided. If the latter method is used, hands should be washed with soap and running water as soon as feasible.

Hands shall also be immediately washed after personal protective equipment is removed, or upon any contact with blood or related products. If blood contacts mucous membranes, they should be rinsed with water. Soap and running water should be used for other washing.

Sharps disposal containers shall be used when appropriate. Sharps collection containers shall be made of rigid, leak-proof material and shall be puncture resistant.

Supervisors or their designee, in those areas utilizing engineering controls, shall conduct weekly examinations of the containers or other engineering controls to ensure their effectiveness.

Personal Protective Equipment. Where occupational exposure remains after institution of engineering work controls, personal protective equipment (PPE) shall be used. *Forms of personal protective equipment that may be used are gloves, masks, CPR masks, protective clothing such as aprons and eye protection devices such as goggles and face shields.*

Gloves shall be worn when it can be reasonably anticipated that the employees may have hand contact with blood, Other Potentially Infectious Materials, mucous membranes, and non-intact skin; and when handling or touching contaminated items or surfaces.

Disposable gloves shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when the ability to function as a barrier is compromised. Disposable gloves shall not be washed or decontaminated for re-use.

Hypoallergenic gloves, glove liners, powder-less gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.

Masks, in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or OPIM may be generated and eye, nose or mouth contamination can be reasonably anticipated (i.e. physical plant personnel cleaning a clogged toilet).

Appropriate protective clothing shall be worn in occupational exposure situations. The types and characteristics shall depend upon the tasks, location, and degree of exposure anticipated.

Work Area Restrictions. In work areas where there is a reasonable likelihood of exposure to blood or OPIM, personnel are not to eat, drink, apply cosmetics or lip balm, smoke, or handle contact lenses.

All procedures involving blood or OPIM shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.

Hepatitis B Vaccination Post Exposure Evaluation and Follow-Up

Ringling College of Art and Design has made available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, post-exposure evaluation and follow-up to all employees who have had an exposure incident.

Ringling has ensured that all medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis are:

1. Available at no cost to employees.
2. Available at a reasonable time and place to employees.
3. Performed by or under the supervision of a licensed physician or licensed health care professional.
4. Provided according to the current recommendations for the U.S. Public Health Services.
5. And that all laboratory tests are conducted by an accredited laboratory at no cost to the employee

The hepatitis B vaccination program will meet the following requirements:

1. The vaccination series is available to employees after the required employee training and within 10 working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, or that the vaccine is contraindicated for medical reason.
2. Any employee who has declined to accept the hepatitis B vaccination has signed the waiver statement.

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3. Any employee who has initially declined the hepatitis B vaccination, but at a later date while still covered under the standard decides to accept the vaccination, this facility shall make available the hepatitis B vaccination at that time.
4. If a routine booster dose(s) of hepatitis B vaccine is recommended by U.S. Public Health Service at a future date, such booster dose(s) shall be made available.

Following a report of an exposure incident, Ringling College of Art and Design shall make immediately available to the exposed employee a confidential medical evaluation and follow-up. All exposure incidents should be reported to the Office of Human Resources.

The following elements will be included in the evaluation and follow-up:

1. Documentation of the route(s) of exposure and the exposure incident circumstances.
2. Documentation and identification of source individual, if possible, and if possible the status of the source individual.
3. The blood of the source individual will be tested and documented for HIV/HBV infectivity as the law allows.
4. Results of testing of the source individual will be made available to the exposure employee and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.
5. The employee will be offered the option of having their blood collected for testing of the employee's HIV/HBV serological status.
6. The blood sample will be preserved for up to 90 days to allow the employee time to decide if the blood should be tested for HIV serological status.
7. The exposed employee will be offered post-exposure prophylaxis in accordance with the current recommended actions of the U.S. Public Health Service.
8. The employee will be given appropriate counseling concerning precautions to take during the period after the exposure incident. The employee also will be given information on what potential illness to be alerted for and to report any related experiences to appropriate personnel.

The following person has been designated to assure that the evaluation and follow-up policy outlined here is effectively carried out, as well as, to maintain records related to this policy:

Director of Human Resources

Ringling College of Art and Design shall provide an employee after an exposure the following:

1. A copy of the regulation.
2. A description of the exposed employees duties as they relate to the exposure incident.
3. Documentation of the route(s) of exposure and circumstances under which the exposure occurred.
4. Results of the source individual's blood testing, if available.
5. All medical records relevant to the appropriate treatment of the employee, including vaccination status which is Ringling's responsibility to maintain.

Ringling College of Art and Design shall obtain and provide the employee with a copy of the evaluating health care professional's written opinion within 15 days of the completion of the evaluation.

The following shall apply to the written opinion:

1. The health care professional's written opinion for hepatitis B vaccination shall be limited to whether hepatitis B vaccination is indicated for an employee, and if the employee had received such vaccination.
2. The health care professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:
 - (a) that the employee has been informed of the results of the evaluation;
and
 - (b) that the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.
 - (c) all other findings or diagnoses shall remain confidential.

Communication of Hazards Labels and Signs

Ringling College of Art and Design shall ensure that warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport, or ship blood or other potentially infectious materials:

1. The labels shall include the biohazard legend.
2. These labels shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.
3. Contaminated equipment also shall be required to have appropriate biohazard labeling.

Information and Training

Ringling College of Art and Design will train all employees with occupational exposure to bloodborne pathogens. This training will be provided at no cost to the employee and during working hours.

The training for all employees will be conducted prior to initial assignment to tasks where occupational exposure may occur.

The training shall be annual and within one year of previous training. The training program shall contain at minimum the following elements:

1. An explanation of the regulatory text of the OSHA Bloodborne Pathogen Standard.
2. A general explanation of the epidemiology and symptoms of bloodborne diseases.
3. An explanation of the modes of transportation of bloodborne pathogens.
4. An explanation of the Bloodborne Pathogen Exposure Control Plan and how the employee can obtain a copy of the written plan.

5. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.
6. An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment.
7. An explanation on the use, decontamination, and disposal of personal protective equipment.
8. An explanation of the hepatitis B vaccination program available at Ringling College.
9. An explanation of the evaluation and follow-up program if an exposure incident occurs.
10. An explanation of the signs and labels and/or color coding required.
11. An opportunity for interactive question and answers with the person conducting the training session.

Recordkeeping

Ringling College of Art and Design shall establish and maintain an accurate record for each employee with occupational exposure. This record shall include:

1. The name and Social Security number of the employee.
2. A copy of the employee's hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccinations.
3. A copy of all results of examinations, medical testing, and follow-up procedures.
4. A copy of the health care professional's written opinion.
5. A copy of the information provided to health care professionals.

The medical records shall be kept confidential and shall not be disclosed or reported without the employee's express written consent to any person within or outside of the workplace, except as required by law. The records shall be maintained for the duration of employment plus 30 years.

The training records shall include the following:

1. The dates of the training session.
2. The contents or summary of the training session.
3. The names and qualifications of persons conducting the sessions.
4. The names and job titles of all persons attending the training session.
5. Training records shall be maintained for three years from the date of training.

Good Samaritan Policy

Good Samaritan acts performed by undesignated employees are not covered by the bloodborne pathogens standard, but undesignated first aid responders may want to know exposure controls anyway, to protect themselves if they voluntarily respond in the event of an emergency.

The following information is offered to help protect both designated first responders and Good Samaritans performing first aid in the workplace. These practices will help you avoid bloodborne pathogens when performing first aid.

Use Universal Precautions

Human blood and body fluids are potentially infectious materials. Precautions must be taken when dealing with any situation where these fluids may be present and may or may not be avoidable.

These precautions are referred to as *universal precautions* because you should treat *all* first aid situations where blood or other body fluids are present as situations in which you might be exposed, and take the appropriate precautions every single time you are in such a situation.

These precautions should be taken for all people, even if they are not sick or do not appear to have an apparent disease.

Universal precautions include the following:

1. Use a mouth-to-mask (oral guard or oral condom) when performing CPR.
2. Wash hands immediately after removing gloves or other protective equipment, and after any hand contact with blood or potentially infectious fluids. If a sink is not available for hand washing, wash with soap and water as soon as possible.
3. Do not bend, shear, break, remove or recap any used needle or sharp. Dispose of used sharps in the proper containers. These containers must be puncture resistant, be properly labeled, and have leak proof sides and bottoms.
4. Wear impermeable gloves when touching body substances.
5. Wear any necessary personal protective equipment (gowns, gloves, masks, goggles, etc.).
6. Perform proper clean-up with chemical germ killers (commercial germicide or bleach/water solution at 1:10 ratio).

Important Notice to Undesignated Good Samaritan First Aid Responders

Good Samaritan first aid providers may not have access to all of the recommended personal protective equipment. As a Good Samaritan, you must decide what level of care you feel comfortable in providing, knowing that bloodborne pathogens are a potential hazard of providing emergency care.

Student Policy

Students who are not employees are not covered by the bloodborne pathogen standard. However, faculty shall not allow a student to engage in a hazardous activity without first communicating the pertinent aspects of this standard or other relevant standards. Faculty should document such communication and forward a copy to the Office of Human Resources.

3.10.3. Work Related Injuries and Illnesses

Regardless of the nature or severity, all employees must report injuries and illnesses incurred while on College property and/or on the job to the Office of Human Resources. The College insures all employees against accidental injuries and illnesses under the Workers Compensation Act of the State of Florida.

In accordance with Florida law, Ringling College uses a Preferred Care Network. Treatment will be directed within the Network by the insurance company's Claims Administrator. By law, treatment not authorized by the Claims Administrator or Ringling

College will not be compensable. Referrals to medical providers must be authorized by the Claims Administrator prior to the treatment date. If you have any questions, please contact the Office of Human Resources at 359-7619.

Please follow these procedures if you are injured on the job:

1. Report the injury immediately to Public Safety by called 359-7500, no matter how minor.
2. Report the injury to Human Resources by calling 359-7619 and inform your supervisor.
3. Seek medical treatment, if necessary, at one of the approved posted initial treatment sites.
4. In EMERGENCY situations call 911 and Public Safety at 359-7500. Treatment should be provided at the nearest qualified medical facility or provider. Report the injury the next business day to Human Resources and your supervisor.
5. Report back to your supervisor and Human Resources with written doctor's instructions.
6. If you must lose work, keep your supervisor and Human Resources informed of your status at least weekly.
7. Return to work as soon as medically possible. The College will make every effort to accommodate any light duty restrictions.

3.10.4. 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.

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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.

3.10.5. Communicable Diseases Policy

Ringling College of Art and Design's decisions involving persons who have communicable diseases shall be based on current and well-informed medical judgments concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease, and a careful weighing of the identified risks and the available alternative for responding to a student, employee, or job applicant with a communicable disease.

Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection), AIDS, AIDS-Related Complex (ARC), leprosy, Severe Acute Respiratory Syndrome (SARS) and tuberculosis. Ringling College of Art and Design may choose to broaden this definition within its best interest and in accordance with information received through the Centers for Disease Control and Prevention (CDC).

Ringling College of Art and Design will not discriminate against any student, employee, or job applicant based on the individual having a communicable disease. Students, employees, and job applicants shall not be denied access to the College solely on the grounds that they have a communicable disease. Ringling College of Art and Design reserves the right to exclude a person with a communicable disease from facilities, programs and functions if the organization finds that, based on a medical determination, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the College.

Ringling College of Art and Design will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence about persons who have communicable diseases.

Any concerns about communicable diseases related to a student should be referred to the Dean of Students. Any concerns about communicable diseases related to an employee or job applicant should be referred to the Office of Human Resources.

3.11. 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 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 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

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- 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.

3.12. Student Exhibitions and Installations Policies

The Ringling College of Art and Design respects and supports the freedom of expression of artists and therefore does not restrict the contents of student, faculty or alumni professional work exhibited at the Ringling College of Art and Design campus.

All work represents the views of the individual artists and authors who created them, and are not those of the Ringling College.

The institution acknowledges the difference between public spaces and formal exhibitions spaces, such as Selby Gallery and Crossley Gallery where individuals make a decision to enter for the purpose of viewing art. Public spaces include the grounds, library, offices, building entrances and residence halls. Since a variety of individuals use these public spaces for purposes other than viewing art, students should be aware that some work might not suitable for display in these public spaces. All exhibition displays and installations are subject to legal and safety considerations. If there are questions about content or safety considerations, consultation with the Director of Selby Gallery is advised.

Selby Gallery

The annual Best of Ringling Exhibitions takes place in Selby Gallery at the end of the spring semester. Students from the second, third and fourth year programs are eligible to submit work to their departments for jurying. The process of selection varies from department to department. When possible, a Foundations Studies exhibition is also held in Selby Gallery following the Best of Ringling exhibition.

Richard and Virginia Crossley Student Gallery

The Crossley Student Gallery represents an institutional acknowledgement of the professional nature of a BFA in Fine arts at the Ringling College of Art and Design. Fine artists are primarily involved in the business of exhibitions, installation and performance-based work. The Crossley Student Gallery is a state-of-the-art facility that has been designed to facilitate the professional aspirations and creative problem-solving.

The Crossley Student Gallery is primarily intended for use by the Department of Fine Arts, its students and its prospective spring graduates and alumni. Students from majors other than fine arts are encouraged to submit proposals for exhibitions to the student Crossley Gallery Director.

Keating Center

During the academic year, student work produced in classes is shown in the Keating Center Lobby by faculty who reserve wall space. Faculty may also sponsor individual or small group exhibitions in the Keating Center. Keating Center is not a formal gallery space, but is a public space used for offices and residence halls. Content is therefore a consideration in this space. Exhibitions in the Keating Center space are on display for one week.

Outdoor Installations and Performances

Outdoor art installations and performances by students are encouraged. The approval procedures are described in more detail below. An approval form with the signatures of the faculty sponsor and the Director of Selby Gallery is required to exhibit work or conduct performances in public areas of the campus. This does not apply to studios or the spaces behind the Stanley Glen Building and the Nations Bank/Brandenburg Complex. These two outdoor areas are considered extensions of classroom space and require only the verbal approval of the relevant studio teacher.

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Procedures for Outdoor Installations and Performances

Installations and performances in public areas must observe the following guidelines:

1. Faculty members or students may request permission to install works or conduct performance pieces in outdoor public spaces. Students must have a faculty sponsor. Proposal forms are available from the Selby Gallery, Student Life and the Academic Affairs Office.
2. Completed proposals are submitted to the Director of Selby Gallery, and must include the following: dates of installation or performance, duration of installation or performance, exact date of removal and a drawing of the installation on the site, including sidewalks and adjacent buildings. Student requests must include the signature of the faculty sponsor.
3. Included in the request should be an assurance that the installation or performance will not be a safety hazard, that the individual artist will assume responsibility for the care, maintenance and de-installation of the work and that the site will be returned to its original condition. Consultation with Facilities is required if installation involves digging or site work.
4. All written proposals must be submitted and approved by the Director of Selby Gallery prior to an installation or performance. Failure to follow these procedures may result in the removal of the installation without consent of the student or faculty sponsor.

3.13. Drug Free Policy

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.

3.14. 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 Dean of Students and the Vice-President for Academic Affairs (in cases where a faculty member is the sponsor).

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/Dean of 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 entering 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/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/Dean of Students may require the presence of Public Safety 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/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/Dean of Students.

3.15. Weapons Policy

PREAMBLE

Ringling College of Art and Design (the "College") desires to maintain a safe environment for its students, faculty and staff members, contractors, and visitors. This policy seeks to reduce the risk of injury or death associated with the intentional or accidental use of weapons.

APPLICABILITY

This policy applies to all individuals who come onto property owned or controlled by Ringling College of Art and Design or who attend events sponsored or hosted by the College, with exceptions as noted in the Procedures section below.

POLICY STATEMENT

Ringling College of Art and Design prohibits the possession, use, or storage of weapons on property owned or controlled by the College, including in a College vehicle, on one's person, or in one's office or residence hall. Additionally, the College prohibits the possession, use, or storage of weapons at events sponsored or hosted by the College, except as outlined in this Policy.

DEFINITIONS

Firearm. Any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or silencer; any destructive device; or any machine gun. In addition, any device that shoots a bullet, pellet, flare, tranquilizer, spear dart, paintball, or other projectile, whether loaded or unloaded, including those powered by CO₂, which includes, but not limited to guns, air guns, dart guns, pistols, revolvers, rifles, cannons, and any ammunition for any such device.

Weapon. A thing designed or intended, or which may reasonably be used for inflicting bodily harm. The term "weapon" includes firearms, facsimile firearms, ammunition, firearms accessories, empty magazines, electronic defense weapons, martial arts weapons, brass knuckles, sling shots, hand grenades, bows and arrows, chemical devices, dangerous materials and chemicals such as tear gas, swords, knives (except common pocket with a blade of four inches or less or cooking knives), incendiary devices, chemical devices, or missiles. The term "weapon" includes any object legally controlled as a weapon or treated as a weapon under the laws of the jurisdiction in which the College owned or controlled property is located.

Explosives. Under this policy, explosives shall be considered to be weapons. Explosives are defined to include, without limitation, any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportion, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator, or any part of the compound mixture, may cause as sudden generation of highly heated gases that results in gaseous pressures capable of producing destructive efforts on contiguous objects or of destroying life or limb. Further, explosives are also defined to include, but are not limited to, fireworks, firecrackers, black powder, dynamite as well as detonating devices such as detonators, blasting caps, timers, incendiary wires, and the like.

GENERAL

All individuals who come onto property owned or controlled by the College or who attend events sponsored or hosted by the College are prohibited from possessing, using, or storing weapons at such property or events without the explicit authorization of the College, whether or not a federal or state license to possess the same has been issued to the possessor.

EXCEPTIONS

Notwithstanding the foregoing, Ringling College of Art and Design permits the following:

1. Law Enforcement. A sworn local or state law enforcement officer or members of other agencies, including Federal agencies such as FBI, DEA, ATF, in compliance with their professional designation who are actively employed by a law enforcement agency, may carry onto College property or into College events those weapons that his or her law enforcement agency requires to be carried. All Law Enforcement Officers falling within this exception must also carry their departmental identification card as well as their department badge/shield.

2. Tools and Uniformed Contractors. Not prohibited under this policy are legitimate tools appropriately used in authorized work on campus or at College events. In addition, uniformed persons authorized by their employer, and duly licensed and legally permitted under the laws of Florida to possess weapons – such as employees of armored car services that collect or transport cash, checks, valuables, etc., – may do so on College property in the performance of those duties for which the weapon is authorized by their employer.

3. Instructional, Educational, or Theatrical Use. Subject to prior written approval as set forth in this paragraph, non-functioning antique or simulated weapons (excluding firearms) may be used for instructional, educational, or theatrical purposes. To qualify for this exception, the appropriate Vice President shall seek the prior written approval of the College President or the Executive Vice President. If approved, notice of the exception should be sent to the Vice President for Academic Affairs, the Director of Public Safety, and the General Counsel.

Any other exceptions to this policy must be approved in writing by either the President or the Executive Vice President, with notice to the Director of Public Safety and the General Counsel.

Enforcement. College employees or students found in violation of this Policy will be subject to disciplinary action under the disciplinary procedures applicable to them. Visitors or contractors found in violation of this policy will be asked to remove the weapon from the property or to leave the property and may be trespassed from the College depending upon the circumstances.

3.16. Business Affairs Policies

3.16.1. Business Expense Reimbursements

The College provides reimbursement for business related expenditures according to policies and procedures established by the Office of Business Affairs. Requests for business expense reimbursements, including travel expenses, should be made on the approved form obtained from the Office of Business Affairs. Applicable receipts must accompany the request. Undocumented business expenses may be included in income for taxation purposes.

Travel Expense Policy

All requests for reimbursement of travel expenses shall be made on a Travel Expense Report from available in the Faculty Center. Applicable receipts must be attached. Requests totaling greater than \$500 require Dean of Faculty approval.

Mileage is reimbursed at the Internal Revenue Service approved rate for the use of a personal automobile in the conduct of College business. In addition to mileage, travels are reimbursed for parking fees, road tolls and any other expenses directly related to the trip. Travelers are not reimbursed for car repairs, parking tickets, traffic violations or insurance claims.

Anyone using a personal vehicle at any time for College related travel must have a valid driver's license and carry insurance coverage on their personal vehicles. Since the employee has primary responsibility in case of accident, the employee may wish to review coverage options and consider having higher liability limits with a broad form deductible. Ringling maintains only secondary coverage to protect the College in case of accidents involving faculty and staff members traveling on college business.

Ringling faculty of age twenty-one or older with a valid driver's license and good driving records are eligible to rent or hire vehicles for Ringling business purposes. The College's insurance policy includes liability, comprehensive and collision coverage for 1993 or newer vehicles rented within the United States, its possessions, territories and Canada.

Meals are reimbursed at a per diem rate of \$40 per full day or prorated as follows for partial days of travel:

Breakfast	\$ 8.00
Lunch	\$ 9.00
Dinner	\$ 20.00
Incidentals	\$ 3.00

Receipts for personal meals are not required when per diem is issued. However, when guests are provided with food and beverage, the total charge shall be placed on a credit card, with a deduction of the above-mentioned rates made on the report.

Reimbursement for entertainment requires the completion and submission of the credit card customer copy attached to the report.

Travel Advances

Permanent travel advances, not to exceed seven days of travel, are provided all personnel who are required to do extensive travel on behalf of the institution. Upon termination of employment, said travel advances are deducted from the final compensation check.

3.16.2. Cash Advances

Cash Advances for conferences, travel or visiting artist expenses may be requested by submitting a check request form with department head approval to the Dean of Faculty along with a signed letter stating the purpose of the request.

Employees must complete a Cash Advance Agreement in the Office of Business Affairs and supply original receipts for expenses to the Office of Business Affairs within 30 days of the date of activity or travel. Any balance not substantiated by receipt must be returned to the Office of Business Affairs. If the employee does not provide the receipts, the Office of Human Resources will arrange with the employee to recover the amount through payroll deduction. Procedures for processing Cash Advances are available in the Faculty Manual.

3.16.3. Purchasing Policies

Purchases Greater than \$500

Purchase Orders are required for purchases greater than \$500. To order the goods or services, contact the vendor, confirm that purchase orders are accepted and complete a purchase requisition. If a vendor does not accept purchase orders, a check requisition form may be used. Department Head and Dean of Faculty approval signatures must be on the form in order for the Business Office to process the request. The College requires an original invoice to process payment. Detailed procedures are outlined in the Faculty Manual.

A check request is used in instances when a purchase order is not appropriate or possible. A check request is not complete without attached backup (original invoice, receipt, letter of intent, etc.) Do not submit a check request for reimbursements of \$10.00 or less. Reimbursements of under \$10.00 will be processed directly through petty cash. For reimbursement through petty cash, have Department Head or Supervisor sign receipt(s), indicate account number on receipt(s), complete and attach petty cash slip.

Purchases of \$500 and less Purchases of \$500 and less do not require a College Purchase Order. Detailed procedures are outlined in the Faculty Manual. It is important to protect your relationship with the vendor and insure the invoice is processed correctly. Purchases of less than \$500 require the approval of the immediate supervisor only.

Purchases may not be split to avoid the use of a Purchase Order.

3.17. Payroll Policies

3.17.1. Payroll Deductions

There are two types of payroll deductions that are made from employee pay.

Involuntary Deductions

Included are deductions for federal withholding tax, Social Security/Medicare taxes, and wage attachments or garnishments.

Voluntary Deductions

Included are deductions for dependent health and dental coverage, the retirement program, the United Way, or other programs sponsored by the College. Only deductions for programs sponsored by the College will be taken and require a written authorization by the employee.

All amounts deducted will be described on the employee's direct deposit voucher.

3.17.2. Garnishments or Wage Attachments

Ringling College, by law, must honor wage attachments or garnishments by government agencies and other creditors as they present a legal order to withhold and pay out a specified amount of an employee's earnings. Employees will be notified as soon as possible if their wages are attached or garnished. It is the employee's responsibility to secure a prompt release of the court order to prevent deductions from being made.

3.17.3. Direct Deposit

Employees may elect to receive their pay electronically via direct deposit by choosing one of the following two options or a combination of the two:

- Pay Card (default method if no choice is made) – pay can be directly deposited to a debit card for employees without a traditional checking or savings account or who do not want to have their pay deposited into their existing bank account. Additional information about the features and benefits of the pay card is available on the Human Resources website or in the Office of Human Resources.
- Existing Bank Account – pay can be directly deposited into an existing checking or savings account with a bank or credit union. Portions may be distributed among up to three different accounts.

Direct deposit vouchers itemizing current and year-to-date earnings, deductions, and deposits are available online for viewing and printing through Self-service. Employees may set up direct deposit through Self-service or by completing a direct deposit authorization form in the Office of Human Resources. Paper checks will be available in limited circumstances only.

3.17.4. Payroll Advances

Due to the nature of our business and the expectation that employees will handle their financial affairs in a responsible manner, it is our policy not to provide salary advances under any circumstances, and not to permit deductions from your payroll check for any type of time payments other than those required by federal, state, or local law.

3.17.5. Pay Distribution Dates and Pay Periods

Employees are paid semi-monthly as defined below:

Semi-monthly

Pay is issued 24 times per year on the 15th and the last day of each month. Semi-monthly pay periods are as follows:

- First day of the month through the 15th day of the month
- 16th day of the month through the last day of the month

All Full-time and Visiting Faculty will receive their agreed upon salary in equal installments on the applicable payroll dates over the twelve month period beginning September 1 and ending on August 31 regardless of the service requirements of the position (9 or 10 months). In the event that such an employee is hired in the middle of such period, payment of the agreed salary, prorated for the shorter period, shall be made over the remainder of the twelve month period on the applicable payroll dates. In the event that such an employee separates from employment in the middle of such period, any earned compensation due will be calculated and paid on the next regular pay date following the pay period during which the separation occurs. Notwithstanding the foregoing, additional payment that is provided for special assignments and projects shall be paid on the applicable payroll dates occurring during the time the services for such assignments and projects are provided.

All Adjunct and Long-term Part-time faculty will receive their agreed upon salary in equal installments on the applicable payroll dates occurring from September through December for services that are provided during the Fall semester, and on the applicable payroll dates occurring from January through April for services that are provided during the Spring semester.

Notwithstanding the foregoing, additional payment that is provided for special assignments and projects shall be paid on the applicable payroll dates occurring during the time the services for such assignments and projects are provided.

There are no elections for other terms of payment.

The schedule of pay periods and pay dates may be obtained in the Office of Human Resources.

If the regular pay date falls on a Saturday or Sunday, the pay date will be the preceding Friday. If the regular pay date falls on a holiday, the pay date will be the last weekday worked immediately preceding the regular pay date.

3.17.6. Supplemental Payments

All supplemental payments made to full or part time faculty must be processed through payroll (not as a check request to accounts payable) and are subject to Federal Income Tax withholding and FICA tax. Such payments include special projects completed by faculty employees outside their normal duties for which they have been contracted by an instructor or manager. All supplemental payments must be approved in advance by the Vice President for Human and Organizational Development. Forms are available in the Office of Human Resources.

3.18. Substantive Change Policy

Policy Statement

This policy defines substantive change in accordance with the guidelines established by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), the National Association of Schools of Art and Design (NASAD), and the Council for Interior Design Accreditation (CIDA). This policy outlines institutional responsibilities for notification of substantive change to SACSCOC, NASAD, or CIDA.

Those Affected by the Policy

All Units of the College

Definitions

As defined by the SACSCOC policy statement on Substantive Change for Accredited Institutions of the Commission on Colleges and SACSCOC Comprehensive Standard 3.12.1, substantive change “is a significant modification or expansion of the nature and scope of an accredited institution.” In general, this principle is mirrored by NASAD and CIDA

The following chart details institutional activities that may trigger an analysis of substantive change for each accrediting body.

Action	SACSCOC	NASAD	CIDA
Any change in the established mission or objectives of the institution	X	X	X
Any change in legal status, form of control, or ownership of the institution.	X	X	X
The addition of courses or programs that represent a significant departure, either in content or method of delivery, from those that were offered when the institution was last evaluated.	X	X	X
The addition of courses or programs of study at a degree or credential level different from which is included in the institution’s current accreditation or reaffirmation.	X	X	X
A substantial increase in the number of clock or credit hours awarded for successful completion of a program.	X	X	X
A change from clock to credit hours.	X	X	
The establishment of an additional location geographically apart from the main campus at which the institution offers at least 50% of an educational program.	X	X	
The establishment of a branch campus.	X	X	
Closing a program, off-campus site, branch campus, or institution.	X	X	
Acquiring another institution or program or location of another institution.	X	X	
Adding a permanent location at a site where the institution is conducting a teach-out program for a closed institution.	X	X	
Entering into a contract by which an entity not eligible for Title IV funding offers 25% of one or more of the accredited institution’s programs.	X	X	
A change in the program head.			X
Substantive changes in the program’s faculty			X
A substantive change in the status with the institutional accrediting body.			X
Significant changes in curriculum, budget, or enrollment.			X
A change in the program affiliation within the institution, such as reassignment to another department.			X

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Policy

College administrators, including department heads, program directors, and coordinators are responsible for understanding the various substantive change policies and immediately notifying their respective campus-based SACSCOC, NASAD, and CIDA accreditation liaisons of any potential or proposed substantive changes.

Cross Reference and Related Materials*

Southern Association of Colleges and Schools Policy Statement on Substantive Change for Accredited Institutions of the Commission on Colleges

SACSCOC Principle 1.1

SACSCOC Comprehensive Standard 3.12.1

SACSCOC Comprehensive Standard 3.13.1

NASAD Substantive Change Criteria

CIDA Significant Program Changes under "Maintaining Accredited Status" section of CIDA's "Policies and Procedures"

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3.19. Advancement, Public Relations and External Affairs Policies

3.19.1. Use of College Facilities

Ringling College of Art and Design facilities may be used by faculty members in connection with academic or scholarly activities without being subject to the requirements of reimbursement. However, prior approval must be sought in advance from proper authority in order to avoid conflict with other scheduled activities.

College facilities (including, without limitation, computers and other equipment) may be used by faculty members in connection with "outside activities" and "outside professional activities" only after written approval by the Head of the faculty member's department, the Vice President for Academic Affairs, and the person responsible for operating the facility or equipment. In all cases, the faculty member or his/her outside employer or sponsor will pay the rate established by the College for the use of the facility, equipment, materials or services.

3.19.2. Use of College Name and Logo

The College's name and logo symbol are the exclusive property of the College and, consequently, may not be used in connection with goods or services offered by any outside organization without the prior permission of the Vice President for Institutional Advancement or the Director of Communications

College stationery shall be used only for official business of the institution. Official College stationery may not be used in connection with "outside activities" except with respect to those academic and scholarly activities described in 3.11.1. No report or statement relating to outside activities may use the name of Ringling College of Art and Design or be attributed to it. The use of official College titles for personal gain or publicity is prohibited without the written approval of the President.

All stationery and other printed materials using the College's name must be developed in conformity with guidelines established by the Office of Communications.

3.19.3 Use of Professor Title

Currently, Ringling College of Art and Design does not have promotion in rank or tenure for faculty members. Regular full-time and legacy long-term part-time faculty teaching credit-bearing courses may use the title of Professor. The title of "Professor" does not indicate any rank or tenure.

3.19.4 Political Activities

Faculty members, as citizens, are free to engage in political activities. Any faculty member who wishes to engage in direct political activity which will involve a substantial amount of time away from the performance of his/her responsibilities at Ringling College of Art and Design (e.g., holding or running for political office, managing a campaign, directing group action on behalf of a political candidate or issue) is expected to work out a mutual agreement for leave of absence with the appropriate Vice President before undertaking such activity.

The terms of such leave of absence will be set forth in writing, and the leave will not affect unfavorably the status of a faculty member, except that time spent on such leave will not count as probationary service unless otherwise agreed to.

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3.19.5. Communications

Media Policy

The Special Assistant to the President for Media Relations is charged with coordinating all public information provided by the College to the media and others seeking information and comment.

Publicity/Media Relations

To present consistent and accurate information about Ringling College of Art and Design, all external publicity about Ringling College, its programs and events should be coordinated through the Special Assistant to the President for Media Relations. This includes articles about Ringling College or its programs written by faculty members who use their own byline.

Publications and Promotional materials

To ensure consistency, accuracy and effectiveness, the development of all materials using the College's name, including brochures, catalogs, ads, signage, banners, announcements, invitations, etc. must be coordinated in consultation with the Special Assistant to the President for Media Relations prior to printing or final production.

3.20. Other Administrative Policies

3.20.1. Stationery

College stationery shall be used **only** for official business of the institution. The College cannot assume any responsibility in an act of misuse of the mails by any employee.

3.20.2. Telephones

Faculty members are not to make personal long distance calls. If in an emergency it is necessary to make such a call his/her telephone bill should be given to the Office for Business Affairs for reimbursement.

The toll-free number is for the use of incoming calls to the Office of Admissions. It should not be given out for personal or business reasons.

3.20.3. Parking and Vehicle Registration

All motorized vehicles using College property shall be registered by the College and shall display the current Vehicle Registration Sticker.

Bicycle parking is provided in a specially designed bicycle parking rack located by the residence life halls.

The College provides and maintains reserved parking facilities for the use of its faculty and staff.

The College assumes no responsibility for damage to vehicles or theft of articles from vehicles while on College property.

3.20.4. College-Owned Vehicles

Authorized College personnel, who have been cleared by the insurance carrier, are permitted to operate College-owned vehicles.

Motor vehicle registrations are ordered from the State of Florida once every two years for all authorized personnel who operate College-owned vehicles.

Copies of the driving records, operator's licenses of authorized personnel and a signed Drivers Safety Policy are kept on file in the Office of Business Affairs.

3.20.5. Personal Property

The College assumes no responsibility for loss or damage to the personal property of a faculty or staff member.

3.20.6. Solicitation and Distribution Policy

Solicitation by employees on College property during working time, which in any way interferes with work, is prohibited. Solicitation by non-employees on College property is prohibited at any time.

Distribution of literature by employees on College property in working areas at any time or non working areas during working times is prohibited. Distribution of literature by non-employees on College property is prohibited at any time.

3.20.7. Bicycle Policy

Ringling College of Art and Design (College) supports the use of bicycles by students, faculty and staff for traveling to and around the College campus. The use of bicycles has benefit to individual health and (when replacing cars) reduces vehicle emissions that are harmful to human health, has a positive effect on traffic and parking on campus and reduces emission of greenhouse gases to the atmosphere.

In order to ensure a safe and productive bicycle environment, this Bicycle Policy has been established for our community.

Registration

All bicycles owned by students, faculty and staff and used on campus must be registered with the Office of Public Safety. Registration forms can be completed at the Public Safety Communication Center in Harmon Hall at any time. Forms may be obtained at that office or printed from this link ([link here](#)) and returned to the Office of Public Safety. Bike permits will be issued when the completed form is turned in to the Office of Public Safety. The registration decal is valid for four (4) years. There is no charge for bicycle registration or the permit sticker.

- a. For students, registrations will expire after four (4) years or upon completion or withdrawal from the College.
- b. For faculty and staff, registrations will expire after four (4) years or at end of employment with the College, if sooner.
- c. Any student, faculty or staff member who has a bicycle with an expired registration must re-register the bicycle.
- d. Registration information may be shared with the Sarasota Police Department in cases of theft for the purpose of assisting with criminal investigations, arrest and prosecution of any person arrested in connection with the theft and/or recovery of the bicycle.

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Registration Decal

The reflective registration decal must be affixed to the vertical part of the frame facing forward.

Parking and Storage

All bicycles on campus must be parked or stored in a bicycle rack or in an area otherwise authorized. Bicycles may not be secured to fire hydrants, trees, parking signs, fences, posts, benches, stairwells and railings, ramps (handicap and/or other), or in the egress path of any building. Bicycles may be stored in student rooms or in office spaces as long as they are in a safe place not blocking egress, doorways, hallways, walkways or exits. Bicycles may not be stored in common areas such as hallways, lobbies, stairwells, restrooms, etc.

Summer storage for student bicycles is not available. Bicycles may not be left on racks over the summer break. Bicycles left on racks over the summer break will be removed by maintenance and, if not claimed by the owner within 30 days, become the property of the Ringling College of Art and Design to be used, donated, destroyed or otherwise disposed of at the discretion of the College.

Bicycle racks will be available for students who are assigned housing over the summer, have summer jobs on campus and for faculty and staff working the summer months.

Violation of Policy

Any bicycle in violation of the College's bicycle policy (unregistered, showing an expired registration decal or improperly parked or stored) will be removed. If removal requires the cutting of a chain, cable or lock, the College will not be responsible for replacing that chain, cable or lock. To be reclaimed, a storage fee of \$1 per day will be charged (maximum fee not to exceed \$20). Any bicycle not claimed within 30 days from the date of removal will become the property of Ringling College of Art and Design and may be used, donated, destroyed or otherwise disposed of at the discretion of the College.

A student who repeatedly violates this policy is subject to disciplinary action and, if found in violation of the Ringling College Student Code of Conduct, could lose bicycle privileges, along with additional sanctions.

The College's Health and Safety Committee will review the bicycle policy on an annual basis.

3.20.8. Animals and Pets on Campus

I. Summary.

Ringling College prohibits animals in any College-controlled buildings, except for those animals that are specifically exempted by this policy. In addition, while on College-controlled property, animals must be attended and restrained at all times.

II. Purpose.

While Ringling College appreciates the special nature of the owner-pet relationship, the College is a workplace and residence for many people and the welfare of the entire community must be considered paramount. The College recognizes that animals have the potential to impose on the safety, health, personal well-being and comfort of faculty, staff, students, and visitors as well as the sanitation, housekeeping and physical condition of the College-controlled buildings and property. Animals are restricted on College-controlled property to provide a safe and healthful environment for members of the Ringling College community to study, work, and live; to preserve the integrity of its grounds, buildings, and other property; and to comply with all applicable laws and regulations.

III. Policy Statement.

The College prohibits individuals from bringing dogs, cats, or other pets and animals inside any College-controlled buildings, except for those animals that are exempted from this policy. In addition, while on College-controlled property, animals must be attended and restrained at all times.

This policy applies to all College-controlled buildings, grounds, and spaces. This includes, but is not limited to, such facilities as classrooms, libraries, studios, food service areas, private offices, administrative spaces, or public access areas.

The College may require any person with an animal to remove the animal from College-controlled property. In the event a visitor who is not a regular member of the Ringling College community brings an animal or pet onto College-controlled property, these animals are prohibited from College-controlled buildings, unless exempted by this policy. Any dog, cat, or other animal brought to College-controlled property must be licensed and fully inoculated in accordance with local regulations, with the burden of proof on the owner to demonstrate their compliance. Fecal matter deposited by any dog, cat, or other animal brought to College-controlled property must be removed immediately and disposed of properly by the owner. If the owner is personally unable to perform this task, the burden is on the animal owner to arrange for removal of fecal matter. Animal owners are responsible for any damage caused by their pets.

When Public Safety observes or is made aware of an unrestrained or unattended animal, a reasonable attempt will be made to locate the animal's owner. Public Safety will remind pet owners of the policy and ask that the animal be taken home. If attempts to locate the owner are unsuccessful, the office will arrange to have the animal removed from College property. Whenever possible, Public Safety will use a no-kill pet shelter for relocating stray animals.

Faculty, staff, and students who fail to comply or who interfere with the implementation of this policy, will be subject to disciplinary action in accordance with the appropriate disciplinary procedures for employees and students.

To report a violation of this policy, contact the Office of Public Safety at (941) 359-7500.

IV. Exemptions.

- Animals used for approved educational purposes. Approval by the Vice President for Academic Affairs is required according to the procedures below.
- Service Animals performing their duties (see definition) (procedures can be found in Procedures for Service Animals and ESAs, in the *Student Handbook*.)
- Service Animals-in-training participating in Ringling College's approved programs (see definition) (procedures can be found in Procedures for Service Animals and ESAs, in the *Student Handbook*.)
- Emotional Support Animals (procedures can be found in Procedures for Service Animals and ESAs, in the *Student Handbook*.)
- One-Time events involving animals. Approval by the Vice President for Student Life is required, according to the procedures below.

V. Procedures for Requesting an Exemption for Educational Purposes.

Exemptions must be registered by the requestor with the Office of Public Safety. Owners of animals approved for an exemption will be required to provide a Veterinarian Verification showing proof of up-to-date inoculations. To be granted such an exemption, an individual must make a specific request by filling out a *Request for Animal On Campus Form*.

One-time exemptions may be granted by the Vice President for Student Life for events involving animals.

Individuals seeking permission to have an animal for educational purposes in the degree program or the non-degree programs should contact the Office of Academic Affairs for approval by the Vice President for Academic Affairs.

Other inquiries should be directed to the Vice President for Student Life.

Exemptions must be approved by the Vice President of Student Life or the Vice President of Academic Affairs, and registered with the Office of Public Safety.

Procedures for Service Animal or Emotional Support Animal owners/handlers seeking exemption as a reasonable accommodation for a disability can be found in the Service Animal and Emotional Support Animal Procedures, in the *Student Handbook*.

VI. Appendix of Definitions

1. College-controlled buildings and property: building or property that is owned, operated, or maintained by Ringling College.
2. Attended and Restrained: in the immediate vicinity of the owner or handler, and either on a leash of six feet or shorter, in a cage, or in the case of a service animal, voice or signal controlled. To be attended, an animal may not be left fastened to a stationary object.
3. College Residential Housing: College housing provided for students including: Goldstein; Appleton, Idelson & Harmon; Keating; Ulla Searing Student Center; The Cove; Roy & Susan Palmer Quadrangle; Bayou Village Apartments; 2409 Bradenton Road; Near Campus Houses.

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4. Service Animal: as defined by the ADA, any dog (or miniature horse), individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, pulling a wheelchair, fetching dropped items, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, or performing other duties. Crime deterrence, emotional support and/or companionship are not “work” or “tasks” that qualify an animal as a “service animal.” A miniature horse may be a service animal under this policy if (1) the miniature horse is housebroken; (2) is under the owner’s control; (3) the premises or facility can accommodate its type, size, and weight; and (4) it’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility or the program.
5. Service Animal In-Training: a dog (or in some cases a miniature horse) that is being trained to serve as a service animal. Service animals in training must already be obedience trained, and undergoing specific training related to the tasks that they will provide. The animal must be housebroken and controlled.
6. Emotional Support Animal: animals that provide a sense of safety, companionship, and comfort to those with documented disabilities, and the animal is necessary to afford the person with a disability an equal opportunity to use and enjoy the residential facility.