TITLE IX POLICIES AND PROCEDURES

TITLE IX POLICY STATEMENT

Title IX of the Education Amendments of 1972 ("Title IX") protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance.

Title IX states:

> *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.*

HCI College not only complies with the letter of Title IX's requirements but also endorses the law's intent and spirit. The College is committed to compliance in all areas addressed by Title IX, including access to higher education, career education, math and science, standardized testing, athletics, education for pregnant and parenting students, learning environment, and technology, as well as sexual harassment.

It is the policy of HCI College to provide educational, preventative and training programs regarding sexual or gender-based harassment; to encourage reporting of incidents; to prevent incidents of sexual and gender-based harassment from denying or limiting an individual's ability to participate in or benefit from HCI College's programs; to make available timely services for those who have been affected by discrimination; and to provide prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence. Violations of this Policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate officials at HCI College.

PURPOSE

The purpose of this policy is to ensure that HCI College's policies are applied and interpreted in ways consistent with Title IX and other applicable law. This Policy is designed to comply with Title IX of the Education Amendments of 1972 and its implementing regulations at 34 C.F.R. Part 106, as currently in effect.

DISCRIMINATION

HCI College prohibits discrimination and harassment based on race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, genetic information, veteran status, or any other status protected by applicable law to the extent prohibited by law.

RESPONSIBILITIES OF THE TITLE IX COORDINATOR

The Title IX Coordinator oversees implementation and enforcement of the Title IX Policy, which includes primary responsibility for coordinating the College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. The College's Title IX Coordinator is identified below and may be contacted with questions about this policy, to file a report or formal complaint, or to otherwise assist individuals in ensuring equal access to the College's educational programs or activities in compliance with Title IX.

Dana Zimbaldi, Executive Assistant for Academic Affairs, Title IX Coordinator
1764 North Congress Avenue, Suite 200
West Palm Beach, Florida 33409
(561) 570-8015
dzimbaldi@hci.edu

Individuals may also contact the U.S. Department of Education (ED)'s Office for Civil Rights (OCR) with Title IX questions. Information can be found on their website: www.ed.gov/about/ed-offices/ocr.

SEXUAL HARASSMENT

HCI College defines **sexual harassment**, for purposes of Title IX, as conduct on the basis of sex that satisfied one or more of the following:

1. An employee of HCI College or any individual acting on behalf of HCI College in a position of authority over another person (including, but not limited to a teaching assistant, tutor, proctor, or peer mentor), conditioning the provision of aid, benefit, or service of HCI College on an individual's participation in unwelcome sexual conduct (quid pro quo harassment);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to HCI College's education program or activity (hostile environment); or
3. Sexual assault, dating violence, domestic violence, or stalking, as those terms are defined under the Clery Act and the Violence Against Women Act.

This policy applies to conduct occurring within HCI College's education program or activity, in the United States, and only where HCI College has actual knowledge of such conduct through a report to the Title IX Coordinator or an official with authority to institute corrective measures. This policy applies to all interactions between students and HCI College faculty members and other faculty, staff, and administrative personnel, and other students.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Repeated incidents or a pattern of harassing behavior may be cause for serious corrective action. However, a more serious incident, even if isolated, may be sufficient cause for action under this policy including referral to law enforcement when applicable.

Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute discrimination on the basis of sex. A

hostile environment, as defined above, requires conduct that is severe, pervasive, and objectively offensive; conduct that meets only one or two of these elements does not, standing alone, constitute a hostile environment for purposes of this Policy's Title IX definition, though it may be addressed under separate HCI College conduct policies. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment.

In addition, the following conduct may violate other HCI College conduct policies and, where it also satisfies the definition above, may violate this Policy:

1. Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where there is a reasonable expectation of privacy, without the knowledge and consent of all parties.
2. Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipients.
3. Sexual advances, whether or not they involve physical touching.
4. Commenting about or inappropriately touching an individual's body.
5. Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment.
6. Lewd or sexually suggestive comments, jokes, innuendoes, or gestures.
7. Stalking

Other verbal, nonverbal, graphic, or physical conduct may create a hostile environment for purposes of this Policy if the conduct is sufficiently severe, pervasive, and objectively offensive so as to effectively deny a person equal access to HCI College's programs or activities. Whether the conduct creates a hostile environment may depend on a variety of factors, including: the degree to which the conduct affected one or more persons' education or employment; the type, frequency, and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred.

UNWELCOME CONDUCT

Conduct is **unwelcome** if a person (1) did not request or invite it and (2) regarded the unrequested or uninvited conduct as undesirable or offensive. That a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct is unwelcome is determined based on the totality of the circumstances, including various objective and subjective factors.

The following types of information may be helpful in making that determination:

- Statements by any witnesses to the alleged incident;
- Information about the relative credibility of the parties and witnesses;
- The detail and consistency of each person's account;
- The absence of corroborating information where it should logically exist;
- Information that the accused party has been found to have harassed others;
- Information that the complainant has been found to have made false allegations against others;
- Information about the complainant's reaction or behavior after the alleged incident; and

- Information about any actions the parties took immediately following the incident, including reporting the matter to others.

In addition, when a person is so impaired or incapacitated as to be incapable of requesting or inviting the conduct, conduct of a sexual nature is deemed unwelcome, provided that the accused party knew or reasonably should have known of the person's impairment or incapacity. The person may be impaired or incapacitated as a result of drugs or alcohol, or for some other reason, such as being asleep or unconsciousness. An accused party's impairment at the time of the incident as a result of drugs or alcohol does not, however, diminish his or her responsibility for sexual or gender-based harassment under this Policy.

GENDER-BASED HARASSMENT

Gender-based harassment that does not otherwise satisfy the Title IX sexual harassment definition set forth above is addressed by HCI College under this section as a matter of institutional policy, separate and apart from Title IX. Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from HCI College's education or work programs or activities.

For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this policy.

HOW TO MAKE A REPORT OR FORMAL COMPLAINT OF AN ALLEGED TITLE IX VIOLATION

Any individual may report alleged sex discrimination, sexual harassment, or retaliation to the Title IX Coordinator, regardless of whether the reporting person is the alleged victim of such conduct. A report is differentiated from a Formal Complaint ("Complaint"), which is a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting that the College investigate the allegation(s) and implement the College's Grievance Process.

A report or complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail at any time.

INVESTIGATIONS OF COMPLAINTS

The investigatory process involves interviewing the parties involved and any witnesses while gathering documentary or other evidence. In cases involving alleged criminal conduct, the complainant may file a criminal complaint with the local police department. A complainant need not pursue a criminal complaint in order to seek or to hold the accused responsible through HCI College's Code of Conduct. As soon as possible, the complainant and the accused will be offered appropriate assistance as deemed appropriate.

Based on the outcome of the investigation, the Title IX Coordinator or designee will determine if there is sufficient cause to proceed with the complaint. If so, the Title IX Coordinator or designee will arrange for an informal resolution conference with the accused (complainants do not attend informal resolution meetings but are apprised of the meeting's outcome). If the accused does not accept responsibility for the allegations and/or the proposed

sanction(s), the Title IX Coordinator or designee will determine if the evidence warrants a formal hearing before the Grievance Committee.

The exact nature of the responsive action depends on the circumstances but may include discipline up to and including suspension or dismissal from HCI College if a student, staff or faculty who is found to have violated HCI College policies.

IMPLEMENTING PROVISIONS/POLICIES

HCI College will take appropriate action (i.e., an investigation, adjudication and disciplinary and remedial/corrective steps) in response to a complaint made pursuant to the complaint policies/procedures listed above. HCI College will make every effort to handle complaints and investigations with sensitivity to both the rights of the person who complains and the rights of the accused.

HCI College handles complaints discreetly and attempts to maintain privacy throughout the investigatory process, to the extent feasible and appropriate under the circumstances. However, in order to conduct an investigation, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Additionally, HCI College may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.

Complaints may be made anonymously. While HCI College endeavors to investigate all complaints, including anonymous complaints, the nature of anonymous complaints makes investigation, determination, and remediation more difficult and, at times, impossible. Further, while HCI College attempts to protect the identity of complainants who do not wish to be identified, this may not always be possible.

In appropriate cases as determined by HCI College, conflict resolution may be possible. This is permitted only where both the complainant and accused voluntarily agree to participate, and either party may terminate informal resolution attempts and commence formal grievance procedures at any time prior to reaching a mutually acceptable resolution. Depending on the circumstances, a mediated resolution may not necessarily involve face-to-face discussions between the complainant and the accused. Certain cases are not appropriate for conflict resolution, such as complaints of particularly egregious sexual harassment or cases involving sexual assault or violence.

Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that someone other than the victim reports an incident, and the victim declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the victim may not wish to be personally identified. HCI College endeavors to respect the wishes of a complainant to either not be identified and/or not participate in the process. In these situations, HCI College attempts to investigate and address complaints in accordance with the complainant's wishes.

In determining whether sex discrimination, sexual harassment or sexual misconduct occurred, HCI College does not apply the criminal standard of "beyond a reasonable doubt," nor do formal court rules of evidence apply. Instead, HCI College uses a "preponderance of the evidence" standard, and HCI College may consider any evidence it deems relevant. A "preponderance of the evidence" means the evidence which is of greater weight or is more convincing than opposing evidence such that it is "more likely than not" that an act occurred.

If the applicable investigatory or adjudicatory process allows for parties to offer witnesses and evidence, the complainant and the accused will have an equal opportunity to do so. The complainant and the accused will be informed in writing of the outcome of the complaint, to the extent permitted by law. An accused who is a student may appeal the outcome to an impartial decision maker. An employee who is deemed guilty shall have whatever rights are granted by law. The particular method and grounds for appeal are explained in the student policies listed above.

HCI College endeavors to resolve complaints promptly. Ordinarily, the investigative stage will take no longer than 60 calendar days from the time the complaint is received. In exceptional circumstances (including but not limited to especially complex cases or when HCI College is not in session), it may be necessary to extend these timelines. If that occurs, the parties will be informed of the expected timeline for completion.

HCI College prohibits retaliation against any individual who in good faith makes a complaint of sexual discrimination, sexual harassment, or sexual misconduct or participates as a witness in a proceeding under this or any other HCI College policy. Retaliation is also unlawful pursuant to Title IX and other laws.

RECORD RETENTION

HCI College shall maintain records related to the implementation of this Policy for at least seven years.

TRAINING MATERIALS USED TO TRAIN TITLE IX PERSONNEL[1]

Federal Register. (2026, September 29). *Recodification of Title IX rules (91 FR 61308).* U.S. Department of Education, Office for Civil Rights. https://www.federalregister.gov/documents/2026/09/29/2026-19929/recodification-of-title-ix-rules

Student Conduct Institute. (2026, September 16). *2025/2026: Title IX Annual Compliance Overview for Investigators and Non-Decisionmakers*. SUNY System. https://system.suny.edu/sci/postedtraining/

Student Conduct Institute. (2025-2026). *Privacy, Confidentiality & Privilege in Disclosures of Sexual and Interpersonal Violence.* SUNY System.https://system.suny.edu/sci/postedtraining/

ATIXA Webinar. Cobb, T., Vincent, J. (2025, August 13). *When to Hire an External Title IX Investigator: Costs, Benefits, and Considerations.* https://www.atixa.org/resources/when-to-hire-an-external-title-ix-investigator-costs-benefits-and-considerations-webinar-recording/?

Student Conduct Institute. (2022, July 15). *2022-2023: Collecting and Understanding Specialized Evidence*. YouTube. https://www.youtube.com/watch?v=spHrta4nOss&t=3s

Student Conduct Institute. (2022, July 18). *2022-2023: Cross Examination in a Title IX Hearing*. YouTube. https://www.youtube.com/watch?v=ntVAbIkZRh0

[1] This Policy reflects the Title IX regulations recodified by the U.S. Department of Education, effective September 29, 2026 (91 Fed. Reg. 61,308), restoring the regulatory framework in effect prior to the 2024 rule. The training materials cited above (particularly the Student Conduct Institute's 2022–2023 series) remain procedurally accurate and substantively aligned with current compliance requirements notwithstanding their creation date, as the underlying 2020 regulatory framework they reflect remains the operative legal standard.

Student Conduct Institute. (2022, July 19). *2022-2023: Effective Interviewing of Parties and Witnesses*. YouTube. https://www.youtube.com/watch?v=pgbn2ZGHN_4&t=1s

Student Conduct Institute. (2022, July 19). *2022-2023: Legal Framework for Understanding Conflicts of Interest & Bias*. YouTube. https://www.youtube.com/watch?v=E_4PUzujhjc

Student Conduct Institute. (2022, July 19). *2022-2023: No Contact Orders, Emergency Removals, and Interim Suspensions*. YouTube. https://www.youtube.com/watch?v=G8_7rx71_ys

Student Conduct Institute. (2022, July 20). *2022-2023: Relevance and Decorum in a Title IX Hearing*. YouTube. https://www.youtube.com/watch?v=JWlouBbnUcY

Student Conduct Institute. (2022, July 20). *2022-2023: Title IX Final Rule Basics*. YouTube. https://www.youtube.com/watch?v=maaTB3dzjSs

Student Conduct Institute. (2022, July 21). *2022-2023: Understanding the Investigative Report Template for Investigations of TIX Sexual Harassment*. YouTube. https://www.youtube.com/watch?v=7JsUGgGfzAY