

## Florida State University Policy 2-2

**Title of Policy:** SEX DISCRIMINATION AND SEXUAL MISCONDUCT POLICY

**Responsible Executive:** President John Thrasher

**Approving Official:** President John Thrasher

**Effective Date:** 8/1/2016

**Revision History:** Prior version readopted 7/1/1998

### Table of Contents

- I. [Introduction](#)
- II. [Policy Statement](#)
- III. [Objectives](#)
- IV. [Scope and Applicability](#)
- V. [Oversight and Investigation](#)
- VI. [Prohibited Conduct](#)
- VII. [Retaliation and Complicity](#)
- VIII. [Reporting Obligations and Confidentiality](#)
  - A. [Confidential University Representatives](#)
  - B. [Situational \(Event Based\) Confidentiality](#)
  - C. [Responsible Employees](#)
  - D. [Requests for Confidentiality](#)
- IX. [How and Where to Report Sex Discrimination or Sexual Misconduct](#)
- X. [General Provisions](#)
  - A. [Period of Limitations on Reporting by Affected Parties](#)
  - B. [Privacy in Investigation and Resolution Processes](#)
  - C. [Interim Protective and Other Measures for Affected/Reporting Party](#)
  - D. [Interim Measures for the Responding Party](#)
  - E. [Effect of Corollary Criminal Investigation](#)
  - F. [Conflicts of Interest](#)
  - G. [Advisors](#)
  - H. [Timing](#)
  - I. [Documentation](#)
  - J. [Prohibition on Providing False Information](#)
  - K. [Limited Immunity](#)
  - L. [Bystander Intervention](#)
  - M. [Training](#)
  - N. [Consensual Relationships](#)
  - O. [Individuals with Disabilities](#)
  - P. [Free Speech Clause](#)
- XI. [Processes and Procedures for Investigation, Adjudication, Sanctions, and Appeals](#)
  - A. [Reports Against University Students](#)
  - B. [Reports Against Employees and Third Parties](#)
  - C. [Reports Against FSUS Students](#)
- XII. [Other Grievance Sources](#)
- XIII. [Legal Support, Justification, and Review of this Policy](#)

[Appendix A](#): Florida State University Procedures for Reports of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity Against Students

[Appendix B](#): Florida State University Procedures for Reports of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity Against Employees and Third Parties

[Appendix C](#): Florida State University Procedures for Reports of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity Against FSUS Students

[Appendix D](#): Definitions

[Appendix E](#): Reporting Options and Support Resources

[Appendix F](#): Bystander Intervention

[Appendix G](#): Training, Education, and Prevention Programs

[Appendix H](#): Affected/Reporting Party Rights and Responsibilities

[Appendix I](#): Responding Party Rights and Responsibilities

## **I. Introduction**

Sex Discrimination and Sexual Misconduct are contrary to Florida State University's ("FSU" or "University") values and moral standards, which recognize the dignity and worth of each person. The University is committed to providing and maintaining programs, activities, and an educational and work environment founded on civility and respect, where no one is unlawfully excluded from participation in, denied the benefits of, or subjected to discrimination in any University program or activity on the basis of sex (including gender), sexual orientation, gender identity, or gender expression ("Sex Discrimination"). The University strongly promotes the involvement of all campus constituents in making FSU a safe and welcoming environment. In order to address situations of Sex Discrimination or Sexual Misconduct, individuals are encouraged to promptly report an incident.

Sexual Misconduct, as defined by this Sex Discrimination and Sexual Misconduct Policy ("Policy") includes: gender-based discrimination; Sexual Harassment; Sexual Violence (Rape/Sexual Assault/Sexual Battery); Relationship Violence (Domestic Violence and Dating Violence); Stalking; Sexual Exploitation; and other sex- or gender-based misconduct. Sex Discrimination and Sexual Misconduct are antithetical to the values and standards of the University community and are incompatible with the safe, healthy environment that the University community expects and deserves. Sex Discrimination and Sexual Misconduct will not be tolerated by FSU whether it is committed by students, employees (faculty, staff, or any other paid employee), volunteers, visitors, or others.

Additionally, Retaliation against an individual, who makes a Report of Sex Discrimination and/or Sexual Misconduct, participates in the investigation of such a Report, or who in good faith and in a reasonable manner opposes conduct that they believe constitutes Sex Discrimination or Sexual Misconduct, is expressly prohibited. Retaliation will be regarded as a separate and distinct cause for discipline under this Policy.

Conduct violates this Policy when it:

- is made either explicitly or implicitly a term or condition of employment, academic status, receipt of University services, participation in University activities and programs, or affects the measure of a student's academic performance;
- is used as the basis for a decision affecting employment, academic status, receipt of services, participation in University activities and programs, or the measure of a student's academic performance;
- denies, interferes with, or limits an individual's ability to participate in or benefit from opportunities, university programs, or activities; or
- is severe, pervasive, and objectively offensive enough to create a hostile environment.

Violations of this Policy may result in the imposition of sanctions up to and including dismissal or expulsion, as determined by the appropriate officials at the University, in accordance with applicable laws and University regulations, policies, procedures, and collective bargaining agreements.

An individual who has disclosed Sex Discrimination or Sexual Misconduct is referred to as an Affected Party throughout this Policy until a formal report has been filed, at which point, they are referred to as a Reporting Party. An individual alleged to have committed conduct in violation of this Policy is referred to as the Responding Party (i.e., the person or persons accused of committing the Sex Discrimination or Sexual Misconduct). Refer to [Appendix E](#) for important resources and contact information and [Appendix H](#) and [Appendix I](#) for important Affected/Reporting and Responding Parties rights and responsibilities.

In the case of allegations of Sex Discrimination or Sexual Misconduct (unless otherwise stated) this Policy supersedes and applies in lieu of all other policies and procedures set forth in any other University document. Capitalized terms used throughout this Policy are defined in [Appendix D](#).

## **II. Policy Statement**

The University is committed to providing programs, activities and an educational environment free from Sex Discrimination and Sexual Misconduct. To accomplish this FSU expects all members of its community to act in respectful and responsible ways towards each other. This Policy sets forth resources available to all members of the University community, describes prohibited conduct, and establishes procedures for responding to reports of Sex Discrimination and Sexual Misconduct (including Sexual Assault, Sexual Harassment, and other unwelcome sexual behavior).

As a recipient of Federal funds, FSU is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX"), which prohibits discrimination on the basis of sex in education programs or activities. Sexual Misconduct, as defined in this Policy, is a form of Sex Discrimination prohibited by Title IX.

This Policy addresses reports of Sex Discrimination and Sexual Misconduct where the accused is a student, employee (faculty, staff, or any other paid employee), third party contractor, or visitor to FSU. The University makes this Policy and educational opportunities readily available to all students/employees and other members of the University community.

### **III. Objectives**

It is the practice of the University to:

- provide educational, preventative, and training programs regarding Sex Discrimination and Sexual Misconduct;
- encourage reporting of incidents;
- take appropriate action to prevent incidents that deny or limit an individual's ability to participate in or benefit from the University's programs;
- make available timely services for those who have been affected by incidents; and
- provide prompt, thorough, and impartial methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence.

### **IV. Scope and Applicability**

This Policy applies to any allegation of Sex Discrimination and/or Sexual Misconduct made by or against a student, an employee of the University, or a third party, regardless of the sex, sexual orientation, gender identity, or gender expression of any party whenever or wherever the misconduct occurs:

A. On University property; or

B. Off University property, if:

- i. the conduct was in connection with a University or University-recognized program or activity;
- ii. the conduct may have the effect of creating a hostile environment for a member of the University community; or
- iii. the conduct is criminal in nature.

### **V. Oversight and Investigation**

The Title IX Director is the University authority responsible for ensuring compliance with this Policy. This will be accomplished through collaboration with the Deputy Title IX Coordinators and all University divisions, colleges, and departments. When appropriate, the Title IX Director will use a team approach when addressing Sexual Misconduct. In the event that the Responding Party is both a student and an employee, the Title IX Director or their designee shall determine whether parallel investigations are necessary. Team members will be included on a need to know basis in order to implement procedures under this Policy. Sex Discrimination and Sexual Misconduct Report investigations will use a preponderance of the evidence standard, which means that a

violation will be found if the evidence, as a whole, shows that it is more likely than not that Discrimination, Sexual Misconduct, Retaliation, or Complicity occurred.

Sex Discrimination and Sexual Misconduct Report investigations will be handled as follows:

- A. The Title IX Office is the internal authority within the University responsible for investigating Reports of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity allegedly committed by students. Upon completion of the Title IX Office's investigation, the Dean of Students Department's Office of Student Rights and Responsibilities is the internal authority within the University responsible for determining whether to charge and sanction students accused of committing acts of Sex Discrimination, Sexual Misconduct, and Retaliation.
- B. Office of Human Resources' Equal Opportunity and Compliance ("EOC") is the internal authority within the University responsible for investigating Reports of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity allegedly committed by faculty, staff, visitors, contractors, and other University affiliates ("Third Parties").
- C. Florida State University Schools ("FSUS") is the internal authority within the University responsible for investigating Reports of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity allegedly committed by enrolled K-12 students.
- D. The Florida State University Police Department ("FSUPD") is responsible for investigating and making arrests regarding crimes on campus including, but not limited to, criminal Reports of Sexual Assault /Sexual Battery /Rape, Domestic Violence, Dating Violence, and Stalking. In the event of an incident occurring off-campus, the local law enforcement agency with jurisdiction is responsible for investigating the crime and making any subsequent arrests.
- E. In the event the alleged perpetrator is unknown or has no University affiliation, the Title IX Director or designee will determine which investigator is most appropriate to conduct the Title IX investigation.
- F. When an incident of Sex Discrimination, Sexual Misconduct, Retaliation, or Complicity occurs at an International Programs location procedures associated with this Policy may be expedited or amended to accommodate the unique circumstances.

When appropriate, the administrative investigation will be conducted simultaneously with the criminal investigation.

## **VI. Prohibited Conduct**

This Policy prohibits all forms of Sex Discrimination and Sexual Misconduct including:

- A. Sex- and Gender-based Discrimination;
- B. Sexual Harassment;

- C. Sexual Violence (Rape/Sexual Assault/Sexual Battery);
- D. Relationship Violence (Domestic Violence and Dating Violence);
- E. Stalking; and
- F. Sexual Exploitation.

Other conduct prohibited by this Policy includes:

- G. Retaliation;
- H. Complicity;
- I. Failure to report incidents as mandated by this Policy;
- J. Failure to enact an interim corrective action, as directed by the University; and
- K. Knowingly filing a false Report, providing false information, or misleading University officials in proceedings pursuant to the Policy.

NOTE: A report that is investigated and determined not to rise to the level of a Policy violation, is not a false Report. Other University resources may be available to address situations not covered by this Policy. (See [Appendix D](#) for full definitions).

### **VII. Retaliation and Complicity**

Retaliation against an individual, who makes a Report of Sex Discrimination and/or Sexual Misconduct, participates in the investigation of such a Report, or who in good faith and in a reasonable manner opposes conduct that they believe constitutes Sex Discrimination or Sexual Misconduct, is expressly prohibited and will be regarded as a separate and distinct cause for discipline under this Policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Sexual Misconduct or Sex Discrimination.

Retaliation has occurred when:

- a University official, Responding Party, and/or a third party:
  - takes a negative academic or employment action against an individual, or
  - creates a hostile environment (behavior that is intimidating, threatening, coercing, or in any way discriminating),because the individual made a Report, participated in an investigation, otherwise reasonably opposed discriminatory conduct, or engaged in another protected activity.

Complicity is any action or behavior done with the intent of aiding, facilitating, promoting, or encouraging the commission of an act of Sex Discrimination or Sexual Misconduct.

### **VIII. Reporting Obligations and Confidentiality**

The University encourages Affected Parties to report incidents so that they can get the support they need and so that the University can respond appropriately. There are

various reporting and confidential disclosure options available to Affected Parties, such as making both a University Report and a criminal Report concurrently, but doing so is not required for the Affected Party to receive support.

Specific University officials are designated as Confidential University Representatives and can discuss Sex Discrimination or Sexual Misconduct concerns on a confidential basis. All other individuals at the University are designated as Responsible Employees and are required to report to the Title IX Director or designee any claims of Sex Discrimination or Sexual Misconduct.

- A. Confidential University Representatives are available to provide assistance and resources, without any obligation to report allegations of Sex Discrimination and Sexual Misconduct to the Title IX Director, designee, or any law enforcement agency. Confidential University Representatives include the following individuals when providing medical care, advice, and/or counseling when acting in their primary professional responsibility:
- i. Licensed University and medical and mental health providers;
  - ii. Designated University paid and unpaid staff working under the supervision of a licensed medical or mental health provider;
  - iii. University Victim Advocates;
  - iv. Designated University paid and unpaid staff working under the supervision of the University Victim Advocate Program;
  - v. Pastoral counselors affiliated with the University; and
  - vi. Designated University paid and unpaid staff working under the supervision of Pastoral counselors affiliated with the University.

All other employees are potential Responsible Employees and have a mandatory reporting obligation.

NOTE: Incidents involving imminent harm, abuse, or a minor that are reported to a Confidential University Representative may be subject to disclosure to the Florida Department of Children and Families (“DCF”), FSUPD, or other campus safety personnel. The University retains the right to identify other individuals as Confidential University Representatives on a case-by-case basis.

See [Appendix E](#) for specific names and contact information of confidential University resources.

- B. Situational (Event Based) Confidentiality: The University recognizes that certain environments, such as “Take Back the Night” events, focus groups, and sexual violence prevention activities may elicit an individual’s personal account of sexual misconduct, and that such an account may be shared during one of these events with a University employee who is not otherwise a Confidential University

Representative (i.e., sexual violence prevention and sexual health promotion educators, or a faculty or staff whom in their primary University role is a Responsible Employee). Such a testimonial, without more, will not be considered notice to the University for purposes of triggering a mandatory report. University personnel at these events will have resources and information on how to make a report and access both on- and off-campus resources for anyone who would like to make a report or seek services. Leaders of these events will use their best efforts to make students aware that disclosures of sexual misconduct made during the event or in connection with the event (including disclosures made to a Responsible Employee during the planning of the event or during a follow-up conversation/debrief after the event has concluded) will not trigger a mandatory report. Any disclosure to an event leader, who in their primary role is a Responsible Employee (i.e. a disclosure that is not in connection with the event), will trigger a mandatory report. When in doubt as to whether the disclosure is made in connection with the event, the event leader will err on the side of reporting.

An Affected Party who speaks to a Confidential University Representative is advised that the University will not be able to conduct an investigation into the specific incident or take disciplinary action against the Responding Party if the Affected Party does not report the incident to a Responsible Employee or authorize the Confidential University Representative to contact a Responsible Employee and report the incident on their behalf. This does not apply if the incident has also been reported to a non-confidential source (including, but not limited to, the Florida State Police Department, Tallahassee Police Department, or Leon County Sheriff's Office).

If the Affected Party chooses to maintain confidentiality, Confidential University Representatives will still assist them in receiving support and protective services such as victim advocacy, academic support/accommodations, disability services, physical and mental health services, and changes to living, working, or course schedules. An Affected Party who initially requests confidentiality does not forfeit the right to file a Report with a Responsible Employee or to law enforcement and thus have the incident fully investigated.

- C. Responsible Employees are individuals who have a mandatory duty to report known or suspected incidents of Sex Discrimination and Sexual Misconduct to the Title IX Director or designee, regardless of when or where the incident occurred.

In order to provide the Affected Party with the most options, whenever possible, before a disclosure is made, the Responsible Employee should inform the Affected Party about their mandatory reporting obligation and available confidential resources. The Responsible Employee should also inform the Affected Party that a Report will be made to the Title IX Director.

The following outlines when an employee would be designated as a Responsible Employee.



- i. When the incident affects **students: ALL** University/FSUS employees (including but not limited to: faculty, adjuncts, graduate assistants, coaches, student employees, and all other paid University employees), are designated as Responsible Employees unless they are specifically designated as Confidential University Representatives.
  - a. Regardless of who makes the disclosure, if it identifies a student as the Affected Party, it must be reported by the Responsible Employee, as outlined in this Policy. This includes but is not limited to disclosure by: the Affected Party, the Responding Party, and any other party or informational source.
  - b. All disclosures should be accepted at face value and reported without further questioning of the individual making the disclosure or any other parties involved.
- ii. When the incident affects **employees or third parties**, the following University/FSUS employees are Responsible Employees:
  - a. University Administrators, as defined in [Appendix D](#);
  - b. Deans, Directors, and Department Heads (“DDDH”);
  - c. Supervisors. This includes typical supervisor/subordinate relationships and atypical relationships, such as: residence hall coordinators, lab technicians, principal investigators, team leads, athletic coaches, and others who provide daily operational oversight (including facilitating camps and other programmatic or visitor activities).
  - d. Deputy Title IX Coordinators and Title IX Investigators; and
  - e. FSUPD.
- iii. When the incident involves **suspected child abuse** (a minor, under 18 at the time of the abuse): **ALL** Florida residents.

For all known or suspected incidents of Sexual Misconduct involving abuse or sexual abuse of an individual under 18 years of age, Florida law requires every individual to immediately make a report to the Florida Department of Children and Family Services' Abuse Hotline. Reports may be made (24 hours a day, 365 days a year) by phone using a toll-free telephone number, by fax, or by web-based report. For more information and tips on successful reporting go to: [www.myflfamilies.com/service-programs/abuse-hotline/howtoreport](http://www.myflfamilies.com/service-programs/abuse-hotline/howtoreport).

Additionally, the incident of child abuse must be reported to FSUPD and the Title IX Director or designee. They can assist you in making the report to the Department of Children and Family Services.

If a Responsible Employee witnesses, becomes aware of, or receives a Report of Sex Discrimination, Sexual Misconduct, Retaliation, or Complicity, they must report

all relevant details about the Report or incident to the Title IX Director or designee. Relevant details may include: name of all parties involved, any witnesses, dates, times, specific location(s), and any other relevant facts about the incident(s). This mandatory reporting should occur immediately, but must be made **no later than two University business days** after becoming aware of the possible Sex Discrimination, Sexual Misconduct, Retaliation, or Complicity, absent extraordinary circumstances. Failure of a Responsible Employee to report an incident or to enact an interim corrective action, as directed by the Title IX Director or designee, shall be a violation of this Policy and the Responsible Employee may be subject to disciplinary action.

If an incident reported to the Title IX Director or designee is covered by the record keeping and reporting requirements of the Jeanne Clery Act, 20 U.S.C. § 1092(f), the Title IX Director or designee will complete the Clery Act reporting of the incident on behalf of the University. This does not apply to those Responsible Employees who are **also** Campus Security Authorities. For more information about Clery reporting requirements please see the [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act Policy](#).

In addition to the above reporting obligation, all members of the campus community should offer assistance to Affected Parties in reporting incidents to FSUPD and obtaining assistance from FSU Victim Advocate Program, or other services as appropriate.

To the extent possible, information reported to a Responsible Employee will only be shared with people responsible for handling the University's response to the report. Responsible Employees should not report the incident to law enforcement (including FSUPD) without the Affected Party's consent or unless the Affected Party has also reported the incident to law enforcement. If a crime is currently in progress, someone is injured, or anyone is in immediate danger or being threatened, call 911 immediately.

If a report indicates a serious or continuing threat to the University community, the FSUPD may issue a campus wide timely warning to protect the health or safety of the community. The timely warning will not include any identifying information about the Affected Party.

**D. Requests for Confidentiality**

After the disclosure or reporting of an incident to the Title IX Director, the Affected/Reporting Party may request that:

- i. the information (including, but not limited to, the Reporting Party's name) not be shared with the Responding Party, or with others, even if this limits the University's ability to address the allegations;
- ii. the University not investigate the allegation; and/or
- iii. no disciplinary action be taken.

This is considered a request for confidentiality and must be made directly to the Title IX Director, or designee, by the Affected/Reporting Party. A Responsible

Employee does not have the authority to grant a request of confidentiality. If an Affected/ Reporting Party shares information regarding alleged Sex Discrimination or Sexual Misconduct with a Responsible Employee and subsequently refuses to engage with the Title IX Director or designee, this refusal will be treated as a request for confidentiality.

- i. Evaluation of the Request: The Title IX Director will evaluate the request for confidentiality in the context of the University's commitment to provide a safe and non-discriminatory environment. In order to make such a determination, the Title IX Director may gather additional information regarding the alleged Sex Discrimination or Sexual Misconduct and may weigh requests for confidentiality against the following factors, among others:
  - a. the seriousness of the alleged offense (including, but not limited to, whether the offense was perpetrated with a weapon or included severe physical injury to the Affected/Reporting Party);
  - b. the risk that the accused will commit additional acts of Sex Discrimination or Sexual Misconduct, such as (a) whether there have been other disclosures or Reports against the accused, (b) whether the accused has a history of arrests or records from a prior school/employer indicating a history of Sex Discrimination or Sexual Misconduct or a history of violence, (c) whether the accused threatened further Sex Discrimination or Sexual Misconduct or threatened violence against the Affected/Reporting Party or others, or (d) whether the offense was committed by multiple individuals;
  - c. whether the information reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group or person;
  - d. the accused's right to receive information about the allegations if the information is maintained by the University as an "education record" under FERPA;
  - e. whether the Affected/Reporting Party is a minor;
  - f. the level of fear for their safety as expressed by the Affected/Reporting Party;
  - g. whether the University possesses other means to obtain relevant evidence of the Sex Discrimination or Sexual Misconduct (e.g., security cameras or security personnel, physical evidence); and
  - h. the level of threat to the Affected/Reporting Party or to the University community as assessed by the Title IX Director or designee.

The presence of one or more of these factors may lead the University to investigate and, if appropriate, pursue disciplinary action. If no factors are

present, the University will make every effort to honor the request for confidentiality.

- ii. Determination as to Whether Request Can Be Granted: The Title IX Director will inform the Affected/Reporting Party requesting confidentiality whether the University is able to honor the request or whether the University intends to pursue investigation and/or resolution contrary to the request.

If the University determines that it cannot maintain confidentiality, it will inform the Affected/Reporting Party prior to starting an investigation and will continue to place a high priority on the Reporting Party's privacy, only sharing information with parties whose assistance is needed to address the allegations, to the extent possible. The University will also take ongoing steps to protect the Affected/Reporting Party from retaliation or harm and work with the Affected/Reporting Party to create a safety plan, if warranted, and assist the Affected/Reporting Party in accessing other services and interim measures.

It should be noted that when the University honors the request for confidentiality, the University's ability to investigate and take reasonable action in response to an allegation of Sex Discrimination or Sexual Misconduct may be limited, because the accused has a right to know sufficient information regarding the nature of the allegations to respond fully in his or her own defense (and in some cases this will include the identity of the accuser).

Even when the University determines to abide by a request for confidentiality, the University may employ alternative remedies such as:

- a. To the extent practicable and appropriate, the University will take prompt action to limit the effects of the alleged Sex Discrimination or Sexual Misconduct and to prevent its recurrence. For instance, the University may take appropriate interim measures to ensure an individual's safety even in the absence of a University proceeding.
- b. The University may also consider broader remedial action. Such action may include increased monitoring, supervision, or security at locations where the reported incident occurred, increased education and prevention efforts, including to targeted population groups, and climate assessments.
- c. Information regarding the alleged Sex Discrimination or Sexual Misconduct may be included in University records, as necessary and appropriate.
- d. University personnel will (and are obligated to) take action on information regarding alleged Sex Discrimination or Sexual

Misconduct in accordance with applicable local, state, and federal laws.

### **IX. How and Where to Report Sex Discrimination or Sexual Misconduct**

Because in some instances Sex Discrimination or Sexual Misconduct constitute both a violation of this Policy and a criminal offense, the University encourages Affected/Reporting Parties to report alleged Sex Discrimination or Sexual Misconduct promptly to the University and to law enforcement authorities, where appropriate. Affected/Reporting Parties of Sex Discrimination or Sexual Misconduct are also urged to collect and preserve all relevant evidence related to the alleged incident, regardless of their current plans for pursuing legal or University action.

Affected Parties have the option not to report alleged Sex Discrimination or Sexual Misconduct, and the University respects their decision regarding reporting. However, subject to the provisions outlined in the Reporting Obligations and Confidentiality section of this Policy, if information about Sex Discrimination or Sexual Misconduct comes to the attention of the University, the University: (1) will gather additional information, even in the absence of a filed Report; (2) may notify appropriate law enforcement authorities if required or warranted by the nature of the information of which it becomes aware; and/or (3) may take other reasonable steps to protect the University community that are deemed necessary. Individuals who choose not to report to law enforcement or the University may still avail themselves of the Confidential University Representatives listed in section VIII(A) and in [Appendix E](#).

Individuals may report information regarding Sex Discrimination or Sexual Misconduct on their own behalf (i.e., as the Affected Party) or on behalf of the Affected Party (i.e., as third-party reporters). A report of Sex Discrimination, Sexual Misconduct, or Retaliation may be made by bringing the matter to the attention of any of the following, verbally or in writing:

A. The University's Title IX Director

- i. **Jennifer Broomfield, Title IX Director:**  
408-H Westcott  
222 Copeland St  
[jbroomfield@fsu.edu](mailto:jbroomfield@fsu.edu)  
850-644-6271  
[www.titleix.fsu.edu](http://www.titleix.fsu.edu) (to file the report online)

B. Any University Deputy Title IX Coordinator:

- i. Employees and Third Parties  
**Amber Wagner, HR Administrator,**  
**Office of Equal Opportunity & Compliance**  
A6200 University Center  
[amwagner@fsu.edu](mailto:amwagner@fsu.edu)  
850-645-1458  
<http://compliance.hr.fsu.edu>

ii. Athletics:

**Vanessa Fuchs, Sr. Associate Athletics Director**  
D4200 University Center  
[vfuchs@fsu.edu](mailto:vfuchs@fsu.edu)  
850-644-4933

iii. Florida State University Schools

**Megan Brink, Director of Assessment**  
3000 School House Road  
[mbrink@fsu.edu](mailto:mbrink@fsu.edu)  
850-245-3894

- C. The [Dean of Students Department's Office of Student Rights and Responsibilities](#);
- D. The [Office of Equal Opportunity & Compliance](#);
- E. The [Office of Faculty Development and Advancement](#);
- F. The [Center for Leadership & Social Change](#);
- G. The [Office of Human Resources](#);
- H. The [Florida State University Police Department](#);
- I. A student's school or college dean;
- J. An employee's immediate or higher level supervisor;
- K. Another Responsible Employee; or
- L. [EthicsPoint](#), the University's anonymous and confidential reporting hotline, toll-free (855) 231-7511.

The report will be forwarded to the Title IX Director or designee, who will determine the appropriate course of investigation and resolution. The Title IX Director or designee will fully inform the Affected/Reporting Party of their rights, the associated procedures, and discuss interim measures. A report of Sex Discrimination, Sexual Misconduct, Retaliation, or Complicity becomes a formal Report in one of the following ways:

- A. An individual who has experienced Sex Discrimination or Sexual Misconduct may file a written Report with the University or a third-party reporter may file a written Report on his or her behalf. The reporting party may complete a Report form provided by the University or may submit a written statement in his or her own words providing information for the University to investigate the allegations contained therein (including, but not limited to: the name of the Affected Party, the name of the accused, and the date, location, and nature of the alleged Sex Discrimination or Sexual Misconduct).
  - i. Form: [Reports Against Students](#)
  - ii. Form: [Reports Against Employees and Third Parties](#)
  - iii. Form: [Reports Against Florida High- FSUS Students](#)

- B. A reporting individual can meet in person with the Title IX Director, a Deputy Title IX Coordinator, or Title IX investigator. In such a situation, the Title IX Director or Deputy Title IX Coordinator, or Title IX investigator may ask the reporting individual to complete a Report form provided by the University.

<b>Reporting to the University: What Happens After Disclosure</b>	
Incident reported directly to a Title IX Director or a Deputy Title IX Coordinator:	The Title IX Director or designee will determine the appropriate course of investigation and resolution, with input from the Affected Party.
Incident reported to a Responsible Employee:	The Responsible Employee will forward the information to the Title IX Director or designee, who will determine the appropriate course of investigation and resolution, with input from the Affected Party.
Incident reported to the University Counseling Center:	The incident and identity of the individual will remain strictly confidential and will not be reported to a Title IX Director. The University Counseling Center will report acts of sexual violence, dating and domestic violence, and stalking to FSUPD, in compliance with the Clery Act (only the fact that an incident occurred, without revealing any details about the Affected Party). The University Counseling Center will provide information about this Policy and how to file a Title IX report to the Affected Party.
Incident reported to the FSU Victim Advocate Program:	The information provided will remain confidential and will not trigger a University investigation into an incident against the Affected Party's wishes. The Victim Advocate Program will report acts of sexual violence, dating and domestic violence, and stalking to FSUPD, in compliance with the Clery Act (only the fact that an incident occurred, without revealing any details about the affected Party). The Victim Advocate Program will provide information about this Policy and will offer support and assistance in filing a formal Report and requesting interim measures.
Anonymous incident report:	The anonymous report will be forwarded to a Title IX Director or designee, and he or she will determine the appropriate course of investigation and resolution to the extent possible given the nature of the information provided.
Incident reported to FSUS Faculty and Staff:	The information will be reported to the Department of Children and Families (where appropriate), the FSUPD (where appropriate) and the Title IX Director or designee.
Incident reported to a non-University entity.	The individual <i>may</i> or <i>may not</i> report the claim to the Title IX Director or designee. Non-University entities do not have an obligation to report allegations of Sex Discrimination or Sexual Misconduct to the Title IX Director.

<p>Incident reported to FSUPD:</p>	<p>The FSUPD Support Services Captain or designee will forward the claim to Title IX Director or designee, who will determine the appropriate course of the administrative investigation and resolution. Additionally, the Officer will assist the individual in filing criminal charges, if desired by the Affected Party.</p>
<p>Incident reported to a coworker or another student:</p>	<p>As long as there is no employee/student or supervisor/employee relationship, the individual receiving the disclosure may maintain confidentiality. The University <b>encourages</b> the parties to seek resources (Appendix E) and report to the Title IX Director.</p>

**X. General Provisions**

**A. Period of Limitations on Reporting by Affected Parties**

Sex Discrimination or Sexual Misconduct may be reported at any time by an Affected Party, regardless of the length of time between the alleged incident of Sex Discrimination or Sexual Misconduct and the reporting of the incident. However, the University strongly encourages individuals who have experienced Sex Discrimination or Sexual Misconduct to promptly report in order to preserve evidence for a potential legal or disciplinary proceeding. Reports occurring over 180 days after the alleged offense may significantly impair the University’s ability to respond.

**B. Privacy in the Investigation and Resolution Processes**

The University will keep Reports and investigations private to the extent possible under the law, but cannot guarantee complete anonymity in all cases. Information will be shared with those who are integral for the University to conduct a comprehensive investigation. All parties involved in an investigation, including witnesses, will be asked to keep information concerning the investigation private. Under Florida Statute §1012.91, records of sexual harassment investigations are limited-access records with respect to public records requests.

**C. Interim Protective and Other Measures for Affected/Reporting Party**

When warranted to ensure the safety and well-being of the Affected/Reporting Party, the University may implement one or more interim measures, if appropriate and/or reasonably available, including but not limited to the following:

- i. Issuing no-contact orders to prevent any contact between the parties involved, witnesses, and/or third parties;
- ii. Changing an Affected/Reporting Party’s or Responding Party’s on-campus housing, to a different on-campus location and providing assistance from University personnel in completing the relocation;
- iii. Assisting Affected/Reporting Party living off-campus in finding alternative housing;
- iv. Changing an Affected/Reporting Party’s or Responding Party’s assigned dining facilities;
- v. Changing work arrangements or schedules;



- vi. Changing academic schedules (such as moving the Affected/Reporting Party or Responding Party from one class section to another);
- vii. Arranging for the Affected/Reporting Party to withdraw from or take an “Incomplete” in a class without penalty;
- viii. Providing academic support services (e.g., tutoring); or
- ix. Offering emotional and physical support services.

The University’s Victim Advocate Program will assist individuals in requesting such accommodations regardless of whether the individual chooses to report the incident to University officials or police for investigation.

**D. Interim Measures for the Responding Party**

- i. University Student Accused: When a student’s alleged actions or behaviors affect the safety, health, or general welfare of the student, other students, and/or the University community:
  - a. When appropriate, the Title IX Director or designee may implement a registration or transcript hold during the course of the investigation. Holds will be used judiciously and are not intended to be punitive.
  - b. The Vice President, the Dean of Students, (or their designee(s)) may implement interim measures including, but not limited to: registration and transcript holds, no contact orders, and interim disciplinary action prior to the adjudication of a Report made pursuant to this Policy. (See Student Code of Conduct – [Interim Disciplinary Action](#) for more detailed information.)
- ii. FSUS Student Accused: When a FSUS student’s alleged actions or behaviors affect the safety, health, or general welfare of the student, other students and/or the FSUS community, the Principal or designee may place the student on administrative leave. (See [FSUS Student Code of Conduct](#))
- iii. Faculty Accused: When the President, or designee, has reason to believe that a faculty member’s presence on the job will adversely affect the operation of the University, they may immediately place the faculty member on administrative leave pending investigation of the claim. The administrative leave shall commence immediately upon written notice to the faculty member. (See relevant parts of the [Faculty Handbook](#) and [FSU-UFF Collective Bargaining Agreement](#) for more information.)
- iv. Staff Accused: When the Assistant Vice President of Human Resources, or designee, has reason to believe a staff member’s presence on the job will adversely affect the operation of the University, they may immediately place the staff member on administrative leave pending investigation of the claim. The administrative leave shall commence immediately upon written notice to the staff member and shall comply with the provisions of the University’s Administrative Leave Policy. (See FSU [4-OP-C-7-E1.3](#) for more information.)

- v. Third Party Accused: When the University, or appropriate official, has a reason to believe that a third party's presence on campus will adversely affect the operation of the University, they may immediately seek to bar that individual's access to campus via a No Trespass Order, or similar mechanism. The No Trespass Order will take effect immediately upon notice to the third party.

E. Effect of Corollary Criminal Investigation

The University's investigation may be delayed while criminal investigators are gathering evidence. In the event of such a delay, the University may take interim measures when necessary to protect the Reporting Party and/or the University community.

Neither the results of a criminal investigation nor the decision of law enforcement to investigate (or decline to investigate) the matter determines whether, for the purposes of this Policy, Sex Discrimination or Sexual Misconduct has occurred.

F. Conflicts of Interest

If the Investigator(s) or any member of a Code of Conduct hearing panel believes there is a potential or actual conflict of interest regarding their role in the investigation, they must disclose this conflict in advance to the Title IX Director or designee (for conflicts during the investigation phase) or the Director of Student Rights and Responsibilities or designee (during the adjudication phase). Likewise, if a Reporting Party or Responding Party believes that a conflict of interest is present regarding the Investigator(s) or any member of a hearing panel, the Reporting Party or Responding Party must disclose this concern in advance to the Title IX Director or designee or the Director of Student Rights and Responsibilities. If the Title IX Director or the Director of Student Rights and Responsibilities determines that a valid conflict of interest exists, steps will be taken to remedy or eliminate the conflict in order to ensure an impartial process. If the Title IX Director has a potential or actual conflict of interest regarding his or her own role in the investigation, the President will appoint another University administrator to perform the Title IX Director's duties under this Policy.

G. Advisors

Both the Reporting Party and the Responding Party may have an advisor present to support and assist them throughout the Report process (including during related prehearing meetings, during investigative interviews, and during any hearing). The term "advisor" means any person chosen by the Reporting Party, Responding Party, or any witness to assist throughout the Title IX investigation and/or student conduct process, unless service in this capacity would unreasonably conflict with the fair administration of the Title IX investigation or the student conduct process. A potential witness may not be an advisor. The Reporting Party or Responding Party should notify the University in advance of an advisor's participation so appropriate arrangements can be made.

- i. University Student Procedures: In the event that the Reporting Party or Responding Party is a minor, the parent or legal guardian may assist in the selection of an advisor. Parties must provide no less than two class days notice to the Office of Student Rights and Responsibilities if they wish to have an advisor present. The Reporting Party and the Responding Party may consult with their respective advisors during meetings and/or during any hearing, provided that such consultation is not disruptive to the process. An advisor may not have a speaking role. This means that advisors may not speak for or answer questions for the Reporting Party or the Responding Party. Specifically, during an interview or hearing, advisors may not address the hearing panel, cross-examine witnesses, or have any other speaking role. In addition, the Investigator(s) or chair of the hearing panel may disallow the attendance of an advisor if, in their discretion, the advisor's presence would be obstructive to the proceeding or otherwise warrant his or her removal from the proceeding. The student will be afforded the opportunity to select another advisor, unless doing so would significantly delay the hearing process.
- ii. Employee and Third Party Procedures: The Reporting Party and the Responding Party may consult with their respective advisors during meetings and/or during any hearing, provided that such consultation is not disruptive to the process. An advisor may not have a speaking role, with the exception of union representatives. In addition, the Investigator(s) may disallow the attendance of an advisor if, in their discretion, the advisor's presence would be obstructive to the proceeding or otherwise warrant his or her removal from the proceeding. The employee or third party will be afforded the opportunity to select another advisor unless doing so would significantly delay the investigative process. This Policy shall not be construed to limit an employee's right to union representation during any meeting which may result in discipline or discharge.
- iii. FSUS Student Procedures: Generally, Advisors are not permitted to participate in / attend the investigation and resolution processes, but an Advisor's attendance will be considered when appropriate.

#### H. Timing

The University will make every reasonable effort to ensure that the investigation and resolution of a disclosure or Report occurs in as timely and efficient a manner as possible. The University's investigation and resolution of a Report (not including an appeal, if applicable) generally will be completed within 60 class days of the launch of the investigation, absent extenuating circumstances. Throughout the investigation, the Reporting Party and the Responding Party will receive periodic status updates, and notice of any timing extensions, from the Title IX Director or designee. Any party may request an extension of any deadline by providing the Title IX Director or designee with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request.

Reasons for possible delays in completion of the investigation and outcome include, but are not limited to: a concurrent criminal investigation; timing of the school year

(such as during a time period where classes are not in session); complexity of the case and volume of witnesses; and the willingness of the Reporting Party, Responding Party, and witnesses to participate in the investigation.

The Title IX Director or designee may extend any deadline contained in this Policy as necessary and for good cause.

#### I. Documentation

The University will retain documentation (including but not limited to the written Report, notifications, the Investigative Report, any written findings of fact, petitions for appeal, and any written communication between the parties) in accordance with Florida Public Records law.

- a. Records of all student conduct cases will be maintained in the Office of Student Rights and Responsibilities in accordance with the Student Code of Conduct. (See Student Code of Conduct – [Records](#) for more information.)
- b. Records of all employee or third party conduct cases will be maintained in the Office of Equal Opportunity and Compliance in accordance with Florida public records retention. (See FSU [4-OP-F-3](#) for more information.)
- c. Records of all FSUS student conduct cases will be maintained in FSUS Student Management Information System (“FOCUS”).

#### J. Prohibition on Providing False Information

Any individual who knowingly files a false report or Report under this Policy, who knowingly provides false information to University officials, or who intentionally misleads University officials who are involved in the investigation or resolution of a report or Report may be subject to disciplinary action. Failure to prove a claim of Sex Discrimination or Sexual Misconduct is not equivalent to a false allegation.

#### K. Limited Immunity

The University considers the reporting and adjudication of Sex Discrimination or Sexual Misconduct cases on campus to be of paramount importance. The University does not condone underage drinking, illegal use of drugs, or other violations of University policy; however, the University may extend limited immunity from sanctioning to Affected Parties, witnesses, and those reporting incidents and/or assisting the Affected Party, and may also extend such immunity to the Responding Party. Limited immunity is applicable only to University proceedings and is at the University’s discretion. Also see the related Medical Amnesty policy:

<http://srr.fsu.edu/content/download/89321/929997/file/Medical-Amnesty-Policy.pdf>

#### L. Bystander Intervention

FSU strives to create a community of care and justice where we hold members of our community accountable for their conduct. Bystander intervention is a prevention strategy that encourages all members of the University community to take safe action when they see a situation that might lead to Sex Discrimination or Sexual Misconduct. For more information on how to become an active bystander. See [Appendix F](#).

**M. Training**

Individuals conducting University Report proceedings will receive annual training on issues relating to Sex Discrimination, Sexual Misconduct, and how to conduct processes that protect the safety of Reporting Parties and promote accountability. See [Appendix G](#).

**N. Consensual Relationships**

- i. Consensual sexual relationships between faculty members and students, and graduate assistants and students, are governed by Article 19 of the [BOT/UFF Collective Bargaining Agreement](#) and Article 7 of the [BOT/GAU Collective Bargaining Agreement](#), respectively.
- ii. Romantic or sexual relationships in which one party maintains a supervisory or evaluative role over the other party are prohibited. Although romantic and sexual relationships between persons of unequal institutional power do not necessarily constitute Sex Discrimination or Sexual Misconduct, there is an inherent conflict of interest between making sexual overtures and exercising supervisory, educational, or other institutional authority. A subordinate or student in such a relationship may feel unable to freely decline or end the relationship, which can expose the individual with greater institutional authority to allegations of Sex Discrimination or Sexual Misconduct. Furthermore, even when both parties have consented at the outset to romantic or sexual involvement, this past or apparent consent may not remove grounds for a later report of Sex Discrimination or Sexual Misconduct.

**O. Individuals with Disabilities**

The University will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in the steps and procedures outlined in this Policy. For additional information on how to request a reasonable accommodation go to: <http://policies.vpfa.fsu.edu/personnel/3i.html#1>. For additional information on how to request a reasonable accommodation at Florida State University Schools ("FSUS"), contact FSUS Deputy Title IX Coordinator Megan Brink.

**P. Free Speech Clause**

This Policy is intended to protect against sex discrimination and sexual misconduct. It does not regulate the content of speech.

**XI. Processes and Procedures for Investigation, Adjudication, Sanctions, and Appeals**

Upon submission of a report to the appropriate investigating authority, a prompt, thorough, and impartial review will be conducted. The processes and procedures for investigation, adjudication, sanctions and appeals are outlined in:

- A. Reports Against University Students – see [Appendix A](#): Florida State University Procedures for Reports of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity Against Students
- B. Reports Against Employees and Third Parties – see [Appendix B](#): Florida State University Procedures for Reports of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity Against Employees and Third Parties
- C. Reports Against FSUS Students – see [Appendix C](#): Florida State University Procedures for Reports of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity Against FSUS Students

## **XII. Other Grievance Sources**

Individuals with Reports involving Sex Discrimination, Sexual Misconduct, or Retaliation may pursue remedies with outside agencies such as:

- A. U.S. Department of Education, Office for Civil Rights,  
Atlanta, GA (404) 562-7886, TDD (404) 562-7884.  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>
- B. U.S. Equal Employment Opportunity Commission,  
Tampa, FL (813) 228-2310, (800) 669-4000, TTY (800) 669-6820.  
[www.eeoc.gov](http://www.eeoc.gov)
- C. Florida Commission on Human Relations,  
Tallahassee, FL (850) 488-7082, (800) 342-8170, TDD ASCII (800) 955-1339;  
TDD BAUDOT (800) 955-8771.  
<http://fchr.state.fl.us/>

## **XIII. Legal Support, Justification, and Review of this Policy**

The President holds delegated authority from the Board of Trustees to establish University policies. Constitutional authority, federal statutes, state statutes, Florida Board of Governors, and University regulations authorize the policy:

- The Federal Civil Rights Act of 1964
- The Federal Civil Rights Act of 1991
- The Education Amendments of 1972, Title IX
- The Campus Sexual Violence Elimination Act of 2013
- The Jeanne Clery Act, 20 U.S.C., section 1092(f)
- Executive Order 11246
- Florida Statute Chapter 760.10, Florida Civil Rights Act of 1992
- Florida Statute Chapter 39.201
- Florida Statute Chapters 119.071, 1000.05 and 1012.91
- FSU Regulations FSU-4.013 and FSU-6.013

This policy shall be reviewed by the Title IX Director annually for its effectiveness. The Title IX Director/Coordinated Community Response Team (“CCRT”) Advisory Committee

shall make recommendations, as needed, to the President for any modification or elimination.

## **APPENDIX A: FLORIDA STATE UNIVERSITY PROCEDURES FOR REPORTS OF SEXUAL MISCONDUCT, RETALIATION, AND COMPLICITY AGAINST STUDENTS**

### **I. Introduction**

Florida State University (“University” or “FSU”) is committed to providing a safe and nondiscriminatory environment for all members of the University community. The University prohibits Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity (“Prohibited Conduct”). These terms are defined in the Florida State University Sex Discrimination and Sexual Misconduct Policy (“Policy”). This Appendix identifies the procedures (“Procedures”) FSU follows when it receives a report alleging Prohibited Conduct by a Student. FSU uses these Procedures to investigate and adjudicate any such allegations and to impose disciplinary sanctions against Students found responsible for violating the Policy.

### **II. Investigation Procedures**

Upon submission of a report to the appropriate investigating authority, a prompt, thorough, and impartial review will be conducted.

- A. In the event that a report of alleged sex discrimination or sexual misconduct is made to the Title IX Office, the Title IX Director or designee will review the report and determine if the allegations are related to sex discrimination or sexual misconduct. If they are, and if the Affected/Reporting Party wishes, a private interview will be conducted by the Title IX Director or designee with the Affected/Reporting Party to capture the conduct and the nature of the remedy desired.
- B. Once the initial information is gathered, a threshold determination will be made whether, presuming the facts underlying the allegation(s) to be true and accurate, the substance of the allegation(s) constitutes a violation of this Policy. This preliminary determination will typically be made within seven class days from the date of the initial intake, and may include a determination of whether a formal investigation is required and/or whether appropriate interim measures are necessary in order to comply with the requirements of federal and state law.
- C. The investigation may include, but is not limited to, interviewing witnesses, collecting documentation, and seeking any additional information as necessary. The Title IX Director or designee and Title IX Investigator shall have unrestricted access to all pertinent materials, records, reports, and documents within the possession or control of the University, and shall be afforded the opportunity to interview all persons possessing relevant information.
- D. The Deputy Title IX Coordinator or the Title IX Investigator, in conjunction with the Title IX Director, may refer the Reporting Party to any other appropriate investigating authority or resources for assistance if the allegations are not sufficient to warrant an investigation. Reported incidents that do not rise to the level of adjudication through a Student Conduct hearing involve those (including but not limited to) where the Responding Party’s name is not identified or the Reporting Party does not wish to proceed with a formal process.



- E. At the conclusion of the investigation, the investigator will prepare a written summation of their findings and submit it to University's Office of Student Rights and Responsibilities.

### **III. Adjudication**

The adjudication process for violations of University's Student Conduct Code may be found at [FSU Student Conduct Code](#). Note that when appropriate and when both parties agree, alternative methods, including but not limited to, Restorative Justice may supplement a student conduct hearing.

### **IV. Sanctions**

The University will take reasonable steps to end Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity; to prevent recurrence; and to remedy the effects. Any person who is found to have violated this Policy shall be subject to disciplinary action, up to and including expulsion from educational programs. The specific penalties imposed on violators will be commensurate with the level of offense and in accordance with applicable laws and University regulations, policies, and procedures. The University recognizes that some offenses are so serious that suspension or expulsion may be warranted on the first occurrence. Factors that will be considered in determining the appropriate level of discipline include:

- Seriousness of offense (e.g., effect of the misconduct on the University's mission, isolated or repeated offense, deliberate or inadvertent misconduct, etc.);
- Prior misconduct (e.g., disciplinary record, similarity of past offenses to current misconduct);
- Consistency of Penalty (e.g., is the disciplinary action consistent with treatment of similar misconduct in other cases);
- Potential for rehabilitation (e.g., self-disclosure prior to investigation, seeking assistance with problem);
- Effectiveness of a lesser sanction; and
- Other aggravating and mitigating circumstances.

#### University Student Sanctions

- A. Reprimand (written or verbal);
- B. Service Hours - completion of tasks under the supervision of a University department or outside agency;
- C. Educational Activities - attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities;
- D. Counseling Assessment - referral for assessment at a counseling center for alcohol/drug dependence, general mental health, or other counseling issues;

- E. Restitution only in cases involving University property. Restitution must be submitted to the appropriate University department in a manner that is approved by that University department;
- F. Conduct Probation - a period of time during which any further violations of the Student Conduct Code may result in more serious sanctions being imposed. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas of campus, or contact with another specified person(s);
- G. Disciplinary Probation - a period of time during which any further violation of the Student Conduct Code puts the student's status with the University in jeopardy. If the student is found "responsible" for another violation of the Code during the period of Disciplinary Probation, serious consideration will be given to imposing a sanction of Suspension, Dismissal, or Expulsion from the University. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to, participation in University or student activities, representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas of campus, or contact with another specified person(s);
- H. Change in University Housing assignment;
- I. Exclusion (either temporary or permanent) from University Housing;
- J. Suspension - separation from the University for a specified period, not to exceed two years. This may include restricted access to campus and/or other specified activities;
- K. Dismissal - separation from the University for an indefinite period of time. Readmission is possible but not guaranteed and will only be considered after two years from the effective date of the dismissal, based on meeting all readmission criteria and obtaining clearance from the Dean of Students or designee. This may include restricted access to campus and/or other specified activities;
- L. Expulsion - separation from the University without the possibility of readmission. This may include restricted access to campus and/or other specified activities;
- M. Withholding of diplomas, transcripts, or other records;
- N. Transcript Notations - a written notation indicating that disciplinary action was taken. This sanction may be applied only in cases in which the student has been permanently separated from the University; and
- O. Restrictions on contact with specified people.

## **V. Appeals**

The appeal process for violations of University's Student Conduct Code may be found at [FSU Student Conduct Code](#).

## **APPENDIX B: FLORIDA STATE UNIVERSITY PROCEDURES FOR REPORTS OF SEXUAL MISCONDUCT, RETALIATION, AND COMPLICITY AGAINST EMPLOYEES AND THIRD PARTIES**

### **I. Introduction**

Florida State University (“University” or “FSU”) is committed to providing a safe and nondiscriminatory environment for all members of the University community. The University prohibits Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity (“Prohibited Conduct”). These terms are defined in the Florida State University Sex Discrimination and Sexual Misconduct Policy (“Policy”). This Appendix identifies the procedures (“Procedures”) FSU follows when it receives a report alleging Prohibited Conduct by employees or third parties. FSU uses these Procedures to investigate and adjudicate any such allegations and to impose disciplinary sanctions against employees or third parties found responsible for violating the Policy.

### **II. Investigation Procedures**

See the [University’s Equal Opportunity, Non Discrimination, and Retaliation Policy and Procedures](#).

### **III. Sanctions**

The University will take reasonable steps to address acts of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity; to prevent recurrence; and to remedy the effects. Any person who is found to have violated this Policy shall be subject to disciplinary action, up to and including dismissal from employment. The specific penalties imposed on violators will be commensurate with the level of offense and in accordance with applicable laws and University regulations, policies, procedures, and collective bargaining agreements. The University recognizes that some offenses are so serious that suspension or dismissal may be warranted on the first occurrence. Factors that will be considered in determining the appropriate level of discipline include:

- Seriousness of offense (e.g., effect of the misconduct on the University’s mission, isolated or repeated offense, deliberate or inadvertent misconduct, threat or danger to members of the campus community, etc.);
- Position at the University (e.g., is the employee a supervisor, does the person occupy a position of trust, does the individual occupy a leadership role);
- Prior misconduct (e.g., disciplinary record, similarity of past offenses to current misconduct);
- Erosion of confidence (e.g., is there a loss of trust and confidence in a position with duties that require judgment and trust);
- Consistency of Penalty (e.g., is the disciplinary action consistent with treatment of similar misconduct in other cases);
- Notice regarding Conduct (e.g., is any non-disciplinary counseling documented, trainings attendant, memoranda of expectations provided to individual about conduct);

- Potential for Rehabilitation (e.g., self-disclosure prior to investigation, seeking assistance with problem); and
- Other Aggravating and Mitigating Circumstances.

A. Employee Sanctions

- i. Oral Reprimand;
- ii. Written Reprimand;
- iii. Reduction in Pay;
- iv. Demotion;
- v. Suspension; and
- vi. Dismissal.

B. Third Party Sanctions

The University will also take appropriate corrective action against any non-students or non-employees found to have violated this Policy.

## **APPENDIX C: FLORIDA STATE UNIVERSITY SCHOOLS PROCEDURES FOR REPORTS OF SEXUAL MISCONDUCT, RETALIATION, AND COMPLICITY AGAINST FSUS STUDENTS**

### **I. INTRODUCTION**

Florida State University Schools (“FSUS”) is committed to providing a safe and nondiscriminatory environment for all members of the school community. Both Florida State University (“FSU”) and FSUS prohibit Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity (“Prohibited Conduct”). These terms are defined in the FSU Sex Discrimination and Sexual Misconduct Policy (“Policy”). This Appendix identifies the procedures (“Procedures”) FSUS follows when it receives a report alleging Prohibited Conduct by an FSUS Student. FSUS uses these Procedures to investigate and adjudicate any such allegations and to impose disciplinary sanctions against FSUS students found responsible for violating this Policy.

### **II. INVESTIGATION PROCEDURES**

Upon submission of a report of sexual misconduct (as defined by this Policy), involving FSUS students, to the Title IX Director or Deputy Title IX Coordinator, a prompt, thorough, and impartial review will be conducted.

- A. In the event that there is actual or suspected cases of child abuse, neglect, or abandonment, FSUS employees have the responsibility to report all actual and suspected cases to the state-wide central abuse hotline pursuant to Florida Statute §39.201 and FSUS School Board Policy 2.80, Reporting Child Abuse. In accordance with FSUS Board Policy 2.80, a teacher, staff member, volunteer, or agent should **not** take it upon himself/herself to interview the child, talk with the suspected abuser, discuss the allegations with other potential witnesses, or otherwise investigate the case. Nor should a teacher, staff member, volunteer, or agent divulge information relating to the report to persons other than school officials, the Child Protection Team, the Florida Department of Children and Families (“DCF”), law enforcement, the State Attorney, or other court designee. If a parent, caregiver, or legal guardian desires information related to a report of child abuse, that person should be directed to contact DCF and/or the applicable local law enforcement agency.
- B. In consultation with the Title IX Director, the FSUS Deputy Title IX Coordinator will review the available information and documentation, including the police report if applicable, to make a threshold determination as to whether, presuming the facts underlying the allegation(s) to be true and accurate, the substance of the allegation(s) constitutes a violation of this Policy and FSUS Code of Student Conduct. This preliminary determination will be made within seven class days from the date of the initial intake, and may include a determination of whether a formal investigation is required and/or whether appropriate intervening measures are necessary in order to comply with the requirements of federal and state law.
- C. After reviewing the police report and/or other information available, the FSUS Deputy Title IX Coordinator, in conjunction with the Title IX Director, will determine whether an investigation needs to be conducted prior to adjudication through the

FSUS Code of Student Conduct process. The Title IX Director, or designee, and the FSUS Deputy Title IX Coordinator, in conjunction with FSUS Administration will take the necessary steps to gather information from the report and meet with involved parties, if needed. Attention will be paid to balancing the need to gather information prior to administrative review without overburdening the Reporting Party and Responding Party.

- D. The investigation may include, but is not limited to contacting DCF and FSUPD, interviewing witnesses, collecting documentation, and seeking any additional information as necessary. The FSUS Deputy Title IX Coordinator shall have unrestricted access to all pertinent materials, records, reports, and documents within the possession or control of FSUS, and shall be afforded the opportunity to interview all persons possessing relevant information.
- E. The Title IX Director, in conjunction with the FSUS Deputy Title IX Coordinator, may refer the Reporting Party to any other appropriate investigating authority or resources for assistance if the allegations are not sufficient to warrant an investigation. Reported incidents that do not rise to the level of adjudication as outlined in the FSUS Student Code of Conduct involve those (including but not limited to) where the Responding Party's name is not identified or the Reporting Party does not wish to proceed with a formal process.
- F. At the conclusion of the investigation, the investigator will prepare a written summation of its findings and will render its determination as to whether a violation occurred.
- G. A final written determination will be sent to the Reporting Party and Responding Party, and the appropriate FSUS and/or FSU university members.
- H. If corrective action or disciplinary action is required as a result of a finding against the Responding Party, applicable procedures under the FSUS Code of Student Conduct and other applicable policies will be followed.

### **III. SANCTIONS**

FSUS will take reasonable steps to end Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity; to prevent recurrence; and to remedy the effects. Any person who is found to have violated this Policy shall be subject to disciplinary action, up to and including expulsion from educational programs. The specific penalties imposed on violators will be commensurate with the level of offense and in accordance with applicable laws and University regulations, policies, procedures, and collective bargaining agreements. The University recognizes that some offenses are so serious that suspension or expulsion may be warranted on the first occurrence. Factors that will be considered in determining the appropriate level of discipline include:

- Seriousness of offense (e.g., effect of the misconduct on Florida State University Schools' mission, isolated or repeated offense, deliberate or inadvertent misconduct, etc.);
- Prior misconduct (e.g., disciplinary record, similarity of past offenses to current misconduct);

- Consistency of Penalty (e.g., is the disciplinary action consistent with treatment of similar misconduct in other cases);
- Notice regarding Conduct (e.g., is any non-disciplinary counseling documented, trainings attendant, memoranda of expectations provided to individual about conduct);
- Potential for rehabilitation (e.g., self-disclosure prior to investigation, seeking assistance with problem);
- Effectiveness of a lesser sanction; and
- Other aggravating and mitigating circumstances.

#### Florida State University Schools Student Sanctions

- A. Reprimand (written or verbal);
- B. Parental Notification Letter;
- C. Administrative Contract- FSUS reserves the right to place any student on contract for behavior that is detrimental to any person attending or working at the school or that disrupts the learning environment. Breaking the contract could result in withdrawal from FSUS invitation.
- D. Detention- including, but not limited to after school detention, Saturday detention, or lunch detention.
- E. Service Hours - completion of tasks under the supervision of a Florida State University Schools department or outside agency;
- F. Educational Activities - attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities;
- G. Counseling Assessment - referral for assessment at a counseling center for alcohol/drug dependence, referral/report to Florida's Division for Children and Families (DCF), general mental health, or other counseling issues;
- H. Restitution only in cases involving Florida State University Schools' and/or Florida State University property. Restitution must be submitted to the appropriate FSUS department in a manner that is approved by that FSUS department;
- I. Conduct Probation - a period of time during which any further violations of the FSUS Student Code of Conduct may result in more serious sanctions being imposed. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to: participation in student activities, representation of FSUS on athletic teams or in other leadership positions, entrance into areas of FSUS and/or FSU campus, off campus lunch privileges, or contact with another specified person(s);
- J. Disciplinary Probation - a period of time during which any further violation of the FSUS Student Code of Conduct puts the student's status with FSUS in jeopardy. If the student is found "responsible" for another violation of the Code during the

period of Disciplinary Probation, serious consideration will be given to imposing a sanction of Suspension, Withdrawal of Invitation, or Expulsion from Florida State University Schools. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to, participation in FSUS or student activities, representation of the FSUS on athletic teams or in other leadership positions, entrance into areas of campus, or contact with another specified person(s);

- K. Suspension - separation from Florida State University Schools for a specified period. Suspension may be Inside Suspension or Outside Suspension as outlined in [FSUS' Code of Student Conduct](#) (Section IX). This may include restricted access to FSUS campus and/or other specified activities.
- L. Withdrawal of Invitation - a student's invitation may also be withdrawn based on violations of school policies as set forth in the Student Code of Conduct.
- M. Expulsion - separation from FSUS without the possibility of readmission. This may include restricted access to Florida State University Schools campus and/or other specified activities;
- N. Transcript Notations - a written notation indicating that disciplinary action was taken. This sanction may be applied only in cases in which the student has been expelled from Florida State University Schools; and
- O. Restrictions on contact with specified people.



## APPENDIX D: DEFINITIONS

**Advisor:** Any one person chosen by the Reporting Party, Responding Party, or any witness to assist throughout the Title IX investigation and/or student conduct process, unless service in this capacity would unreasonably conflict with the fair administration of the Title IX investigation or the student conduct process.

**Affected Party:** An individual who discloses that they have experienced sex discrimination and/or sexual misconduct, or an individual who is reported by another person to have experienced sex discrimination and/or sexual misconduct. An Affected Party's status changes to Reporting Party once they have reported the discrimination or misconduct to a Responsible Employee or the Title IX Director or designee.

**Anonymous Report:** Any report of sex discrimination or sexual misconduct made by an individual or individuals whose name(s) is/are withheld or unknown at the time the report is made.

**Business Day:** Any day the University is open for business, regardless of whether classes are in session.

**Bystander:** Anyone in the community who sees or hears about a behavior that could lead to something high risk or harmful. By taking action to intervene on these behaviors, bystanders can help eliminate violence from the community.

**Class Day:** Any week day that either classes or final exams are scheduled.

**Coercion:** Using threats, undue pressure, alcohol or drugs, or force to have sexual contact with someone against his or her will.

**Complicity:** Any action or behavior done with the intent of aiding, facilitating, promoting, or encouraging the commission of an act of Sex Discrimination or Sexual Misconduct.

**Confidentiality vs. Privacy:** Confidentiality means that information regarding Sex Discrimination or Sexual Misconduct shared by an individual with employees designated as Confidential University Representatives cannot be shared with anyone in a manner that could identify the individual(s) affected without the express permission of the individual(s) unless there is an imminent threat of harm to self or others or abuse of a minor. An individual who has reported Sex Discrimination or Sexual Misconduct to a non-confidential source (any Responsible Employee) may still request that the University not take any action on the report or not let the person complained about know they made a Report. This is referred to as a request for confidentiality. The Title IX Director will evaluate requests for Confidentiality as described in section VIII(C) of this Policy. Even when a report is not confidential, the University will make every effort to respect the privacy of all individuals involved in a manner consistent with the need for a thorough review. Privacy means that information about a report of Sex Discrimination or Sexual Misconduct will be kept on a "need to know" basis; information will only be shared with a limited number of individuals necessary to investigate and resolve the report.

**Confidential University Representatives:** Individuals on campus who can discuss Sex Discrimination, Sexual Misconduct, and Retaliation concerns and provide assistance without triggering any mandatory reporting of the incident to other University officials or the police. See section VIII(A).

**Consent:** Consent to sexual activity must be: knowing, intelligent, unambiguous, and voluntary. Consent is active, not passive. This means there must be clear and willing participation, through words or actions, for each sexual act. Submission to sexual activity that is the result of force, coercion, or threats is not valid consent.

- i. Consent to one type of sexual activity does not imply consent to other types of sexual contact. There must be consent at every stage of the sexual encounter.
- ii. Past consent to sexual activity does not imply consent to future sexual activity.
- iii. Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions.

Individuals who are incapacitated by voluntary or involuntary alcohol or drug use (legal, illegal, or prescription); asleep; unconscious; mentally impaired by disease or illness; or under 18 years old cannot give consent to sex (no matter what they say or do). If there is any question regarding whether a person may be incapacitated, do not engage in any type of sexual activity with that person.

**Dating Violence:** Violence between an individual who is or recently has been in a continuing and significant relationship of a romantic or sexual nature and the other party. It includes hurtful, repeated and intentional behavior that one person uses to maintain power and control over another in an intimate relationship. The behavior can manifest as abuse that is verbal, emotional, psychological, physical, or sexual. Behaviors may include, but are not limited to: threats, name-calling, put-downs, isolation, withholding of money, physical harm, and sexual assault.

**Department of Children and Families (“DCF”):** Provides for the care, safety and protection of children. It is the state agency charged with investigating charges of abuse, abandonment and/or neglect of minor children in the state of Florida.

**Deputy Title IX Coordinator(s):** Work under the oversight of the Title IX Director to assist with the handling of Title IX-related Reports. The University’s Deputy Title IX Coordinators are:

- i. **Employees and Third Parties: Amber Wagner.** Amber Wagner’s office is located at 282 Champions Way, Tallahassee, FL, 32306. She may be contacted by phone at 850-645-1458 or by email at [amwagner@fsu.edu](mailto:amwagner@fsu.edu). She is available from 8:00 a.m. to 5:00 p.m. Monday through Friday.
- ii. **Athletics: Vanessa Fuchs.** Vanessa Fuch’s office is located at D4200 University Center. She may be contacted by phone at 850-644-4933 or by email at

[vfuchs@admin.fsu.edu](mailto:vfuchs@admin.fsu.edu). She is available from 8:00 a.m. to 5:00 p.m. Monday through Friday.

- iii. **FSUS: Megan Brink.** Megan Brink's office is located at the FSUS front office building (10-114), 3000 School House Road. She may be contacted by phone at 850-245-3894 or by email at [mbrink@fsu.edu](mailto:mbrink@fsu.edu). She is available from 7:30 a.m. - 4:30 p.m. Monday-Friday.

**Domestic Violence:** Assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another. It includes hurtful, repeated and intentional behavior that one person uses to maintain power and control over another in an intimate relationship. The behavior can manifest as abuse that is verbal, emotional, psychological, physical, or sexual. Behaviors may include, but are not limited to: threats, name-calling, put-downs, isolation, withholding of money, physical harm, and sexual assault.

Family/household members are spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

**Employee:** Includes faculty, staff, OPS, and anyone else in pay status with the University.

**Force:** Use of physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force includes threats, intimidation (implied threats), or coercion used to overcome resistance.

**Gender Expression:** Refers to how a person outwardly expresses their gender, including individuals who express themselves as gender nonconforming and non-binary.

**Gender Identity:** Refers to the gender a person identifies as, including but not limited to: transgender, cisgender, non-binary, and intersex.

**Hostile Environment:** The conduct is sufficiently severe, frequent, or wide-spread that, both subjectively (to the Reporting Party) and objectively (to a reasonable person), it: (i) creates an intimidating, hostile, or offensive environment; or (ii) denies, interferes with, or limits an individual's ability to participate in or benefit from opportunities, university programs, or activities.

**Incapacitation:** A state where a person cannot make a rational, coherent decision because they lack the ability to understand the nature of the act (e.g. understand the: who, what, when, where why, or how of the sexual interaction). An individual can be

incapacitated by drugs, alcohol, illness, or mental impairment/disability. People who are asleep or unconscious are always incapacitated.

The impact of drug and alcohol use varies from person to person. Whether an individual was incapacitated by substance use will be assessed by the totality of the evidence. Relevant factors include but are not limited to:

- Stumbling or otherwise exhibited loss of equilibrium;
- Slurred speech or word confusion;
- Bloodshot, glassy, or unfocused eyes;
- Vomiting;
- Being disoriented, or confused as to time, place, etc.; and/or
- Loss of consciousness.

The University will also consider whether a Responding Party knew or should have known that the Reporting Party was incapacitated. However, the use of drugs or alcohol by the person initiating the sexual activity is not an excuse for failing to obtain consent.

**Investigative Report:** Detailed summary of the investigation and findings of whether this Policy has been violated.

**Investigator:** Is a person designated by the Title IX Director or Deputy Title IX Coordinator to investigate a Report pursuant to this Policy.

**Legal Age:** The legal age of consent in Florida is 18; however, this Policy recognizes exceptions as defined by section 794.05, Florida Statutes and differing ages of consent in various jurisdictions.

**Privacy:** Information gathered after a Report and during a review or investigation will adhere to privacy laws and statutes (e.g., FERPA). Information will be kept as private as possible, but there may be times when information may need to be shared to resolve a situation.

**Rape /Sexual Assault/Sexual Battery:** Defined under Florida law as the nonconsensual oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or the anal or vaginal penetration of another by any other object. (FL Stat §794.011(1)(h)).

**Report:** A formal written statement alleging sexual misconduct and/or sex discrimination. The Report may be written by a Reporting Party, Responsible Employee, or other third party. An oral report may be reduced to writing by an investigator or other appropriate University official.

**Reporting Party:** An individual who reports to a non-confidential source that they have experienced/are experiencing Sex Discrimination, Sexual Misconduct, Retaliation, or

**Complicity.** The Reporting Party is the individual who files a Report or on whose behalf a Report is filed.

**Responding Party:** An individual who has been accused of violating this Policy.

**Responsible Employees:** Individuals on campus who are required to report incidents of Sex Discrimination, Sexual Misconduct, Retaliation, or Complicity of which they become aware to designated University officials and/or police. See section VIII(B).

**Retaliation:** Any creation of a hostile environment or adverse action threatened or taken against an individual because they: make a Report pursuant to this Policy; assist another person in making a Report; participate in the investigation of such a Report; or in good faith and in a reasonable manner opposes conduct that they believe constitutes a violation of this Policy.

**Relationship Violence:** Violence between an individual who is or recently has been in a continuing and significant relationship of a romantic or sexual nature and the other party.

**Sex Discrimination:** Treating individuals unequally because of their sex, gender, sexual orientation, gender identity, or gender expression. Examples of sex discrimination include:

- i. **Gender Based Hostility:** Negative treatment or use of derogatory or offensive language towards a person because of their gender, whether or not the language itself is sexual.
- ii. **Sex and/or Gender Stereotyping:** Taking a negative employment/academic action, creating a hostile environment, or denying a benefit because the individual does not conform to stereotypical notions of masculinity and femininity.

**Sexual Exploitation:** Any act of taking non-consensual, unjust or abusive sexual advantage of another person for one's own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual Exploitation includes, but is not limited to:

- i. Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person;
- ii. Prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another, sex trafficking);
- iii. Non-Consensual videotaping, photographing, or audio-taping of sexual activity and/or distribution of these materials via media such as, but not limited to, the Internet and other electronic/digital media;
- iv. Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants);

- v. Engaging in indecent exposure (i.e., intentionally exposing one's sexual organs in public) with the intention of alarming, distressing, and/or offending others;
- vi. Voyeurism; and
- vii. Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:

- i. Submission to such conduct is made an explicit or implicit term or condition of employment, academic status, receipt of University services, participation in University programs; or
- ii. Submission to or rejection of such conduct is used as the basis for an academic or employment decision; or
- iii. The conduct is sufficiently severe, frequent, or wide-spread that, both subjectively (to the Reporting Party) and objectively (to a reasonable person), it: (i) creates an intimidating, hostile, or offensive environment; or (ii) denies, interferes with, or limits an individual's ability to participate in or benefit from opportunities, university programs, or activities.

Sexual harassment may be found in a single severe incident, as well as a pattern of behavior. Examples of behavior that could be sexually harassing include, but are not limited to:

- i. Verbal Conduct: sexual teasing, sexual jokes, sexual innuendoes, sexual remarks about a person's body or sexual attractiveness, unwelcome demands for sexual favors, continuing unwelcome sexual advances or flirting, and sexual whistling (cat-calling).
- ii. Non-Verbal Conduct: staring at someone's sexual body parts (breasts, buttocks, groin), sexual gestures, and inappropriate display of sexual graffiti, posters, pictures, cartoons, drawings, emails, texts, body parts, or objects.
- iii. Physical Conduct: unwelcome sexual touching of another's body, such as kissing, pinching, groping, fondling, or blocking normal movement.

**Sexual Misconduct:** An umbrella term used to refer to a broad range of sexually inappropriate behaviors prohibited by Florida State University Policy. Sexual Misconduct includes all forms of non-consensual sexual activity and unwelcome sexual conduct including: sex discrimination; sexual violence (rape/sexual battery/sexual assault); sexual harassment; relationship violence (domestic violence and dating violence); stalking; and other forms of sexually exploitative behavior.

**Sexual Violence:** Includes any sexual act performed without the consent of the Affected/Reporting Party (or when the Affected/Reporting Party is unable to give

consent). Rape, sexual battery, and sexual assault are sexual violence prohibited by this policy and Florida criminal law.

**Stalking:** Stalking involves an intentional course of conduct repeated over a period of time. Under Florida law, stalking is willfully, maliciously, and repeatedly following, harassing, or cyberstalking another person. Cyberstalking means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. Stalking can involve:

- i. Following a person
- ii. Appearing at a person's home, class, or work
- iii. Frequently calling, texting, emailing, or electronically chatting
- iv. Leaving written messages or objects
- v. Vandalizing a person's property.

**Student (FSU):** Any person who is admitted to and enrolled in any credit-bearing course or program in any school or division of Florida State University, any person who is admitted to the University and is present on campus for the purpose of being enrolled in any University course or program, including Orientation, or any person who has been enrolled in any credit-bearing course or program at the University and continues to be associated with the University, because the student has not completed the course or program in which the student was enrolled. In cases of dual enrollment, jurisdiction over a student's conduct will be determined in consultation with appropriate officials at the student's other institution.

**Student (FSUS):** Any person who is admitted and enrolled in classes through Florida State University School (whether they are attending classes at FSUS, through Florida Virtual School, or another FSUS approved program).

**Supervisor:** Includes typical supervisor/subordinate relationships and atypical relationships, such as: residence hall coordinators, lab technicians, principal investigators, team leads, athletic coaches, and others who provide daily operational oversight.

**Third-party Reporter:** Any individual who make a report of Sex Discrimination or Sexual Misconduct on behalf of an Affected Party.

**Title IX:** The University's Title IX Director is Jennifer Broomfield, LISW, JD. Her office is located at 408-H Westcott, 222 S. Copeland St. She may be contacted by phone at 850-644-6271 or by email at [jbroomfield@fsu.edu](mailto:jbroomfield@fsu.edu). She is available from 8:00 a.m. to 5:00 p.m. Monday through Friday.

The University's Deputy Title IX Coordinators are:

- i. **Employees and Third Parties: Amber Wagner.** Amber Wagner's office is located at 282 Champions Way, Tallahassee, FL, 32306. She may be contacted by phone at 850-645-1458 or by email at [amwagner@fsu.edu](mailto:amwagner@fsu.edu). She is available from 8:00 a.m. to 5:00 p.m. Monday through Friday.
- ii. **Athletics: Vanessa Fuchs.** Vanessa Fuch's office is located at D4200 University Center. She may be contacted by phone at 850-644-4933 or by email at [vfuchs@admin.fsu.edu](mailto:vfuchs@admin.fsu.edu). She is available from 8:00 a.m. to 5:00 p.m. Monday through Friday.
- iii. **FSUS: Megan Brink.** Megan Brink's office is located at the FSUS front office building (10-114), 3000 School House Road. She may be contacted by phone at 850-245-3894 or by email at [mbrink@fsu.edu](mailto:mbrink@fsu.edu). She is available from 7:30 a.m. - 4:30 p.m. Monday-Friday.

**University Administrators:** President, Provost, Vice Presidents, Associate Vice Presidents, Assistant Vice Presidents, General Counsel, Associate General Counsels, Assistant General Counsels, Chief Audit Officer, Principal, and Assistant Principals.

**Vendor:** Any individual or company that provides goods or services to the University or University visitors.

**Visitor:** Any individual who is visiting a University campus, property, or University sponsored event who is not otherwise a student, employee, vendor, or contractor.



## **APPENDIX E: REPORTING OPTIONS AND SUPPORT RESOURCES**

Making the decision to report Sex Discrimination or Sexual Misconduct can be difficult. The FSU Victim Advocate Program can provide assistance. A Victim Advocate can explain options, provide crisis counseling, and help individuals make an informed decision about how to proceed. All Victim Advocate Program services are free, confidential, and a police or administrative report does not have to be filed to receive support.

Affected/Reporting Parties of Sexual Violence (Rape/ Sexual Assault/ Sexual Battery), Domestic Violence, Dating Violence, or Stalking also have the right to pursue criminal charges against the perpetrator. Affected/Reporting Parties have the right to:

- I. Report the crime to the police;
- II. Get help from the FSU Victim Advocate Program in reporting the crime to the police or the University;
- III. Decline to notify the University or the Police of the crime; or
- IV. Notify the University officials of the crime, whether or not they choose to go to the police.

If an individual wishes to pursue criminal sanctions, they should contact the FSU Police Department as soon as possible. Incidents occurring off campus will be reported to the Law Enforcement Agency with jurisdiction (e.g., Tallahassee Police Department, Leon County Sheriff Office, or other local/international law enforcement agencies).

Affected/Reporting Parties of Sexual Violence are encouraged to seek medical attention and an evidence collection exam at Tallahassee Memorial Hospital emergency room (or nearest SANE (Sexual Assault Nurse Examiner) medical facility) within five days of the Sexual Violence. Because physical evidence is extremely important in the prosecution of Sexual Violence, it is strongly recommended that Affected/Reporting Parties do not eat, drink, use the restroom, change their clothing, or clean their body prior to evidence collection. However, the Affected/Reporting Party can still choose to have an exam if these activities have occurred. Affected/Reporting Parties can seek an evidence collection exam anonymously and do not have to report having one to law enforcement or University administration; this practice may differ in other states or countries.

The medical exam and any associated medical treatment at Tallahassee Memorial Hospital (TMH) are free. FSU's Victim Advocates are available 24/7 to accompany Affected/Reporting Parties to the hospital or to provide other support services. For information on medical services at non-Tallahassee locations, please contact RAINN at 1-800-656-4673 or [www.rainn.org](http://www.rainn.org).

### **Confidential University Representatives**

Provide assistance and resources, without any obligation to report allegations of Sex Discrimination and Sexual Misconduct to the Title IX Director or designee. Confidential University Representatives are:

<b>FSU Victim Advocate Program</b>	850-644-7161, 850-644-2277, or 850-645-0086. Nights/weekends: 850-644-1234, ask for advocate on call	<a href="http://victimadvocate.fsu.edu">victimadvocate.fsu.edu</a>
Confidential, 24-hour, free support services for Affected/Reporting Parties of sexual violence, relationship violence, stalking, and other crimes. Services include: crisis counseling, emotional support, assistance with academic accommodations, temporary safe lodging, and assistance during medical and legal proceedings (including obtaining orders of protection) and on-campus reporting options. A police or administrative (Title IX) report does not have to be filed to receive support. ***Also available on a limited basis for FSUS, Panama City Campus, and International Program students.		
<b>FSU Counseling Center</b>	850-644-TALK (8255)	<a href="http://counseling.fsu.edu">counseling.fsu.edu</a>
Confidential, free, mental-health counseling and referrals for FSU students. Hosts survivor support groups.		
<b>FSU Employee Assistance Program</b>	850-644-4444	<a href="http://vpfa.fsu.edu/Employee-Assistance-Program">vpfa.fsu.edu/Employee-Assistance-Program</a>
Confidential, free, mental-health counseling, referrals, and other support services for employees.		
<b>University Health Services</b>	850-644-4567	<a href="http://healthcenter.fsu.edu">healthcenter.fsu.edu</a>
Healthcare services for students (including free STI testing and emergency contraception through the Women's Clinic).		

**Confidential Community Resources**

<b>Refuge House</b>	850-681-2111	<a href="http://refugehouse.com">refugehouse.com</a>
Confidential, 24-hour hotline, information and referral, crisis intervention, advocacy and accompaniment: medical and legal, support groups, medical referrals and follow-up, survivor follow-up, shelter, and emergency financial assistance. Assistance in filing for protective injunctions (restraining order) through the Refuge House office at the Leon County Courthouse.		
<b>211 Big Bend</b>	211	<a href="http://211bigbend.net">211bigbend.net</a>
Confidential, 24-hour crisis helpline and referral services for the Tallahassee community.		

**Reporting a Report of Sex Discrimination, Sexual Misconduct, Retaliation, or Complicity**

The University encourages individuals to report Sex Discrimination, Sexual Misconduct, or Retaliation promptly to the University and to law enforcement authorities, where appropriate. Individuals may report information regarding Sex Discrimination, Sexual Misconduct, and Retaliation on their own behalf (i.e., as Reporting Parties) or on behalf of the Affected/Reporting Party (i.e., as third-party reporters). A report of Sex Discrimination, Sexual Misconduct, or Retaliation may be made by bringing the matter to the attention of any of the following, verbally or in writing:

<b>FSU Police Department</b>	850-644-1234	<a href="http://police.fsu.edu">police.fsu.edu</a>
Emergency response, crime reporting (including sexual violence), and investigation of crimes occurring on campus. The University encourages Affected/Reporting Parties to simultaneously pursue both a criminal investigation with the police and a University Title IX sexual misconduct Report investigation.		
<b>Title IX Director - Jennifer Broomfield</b>	850-644-6271	<a href="http://hr.fsu.edu/PDF/Forms/TitleIXStatement.pdf">hr.fsu.edu/PDF/Forms/TitleIXStatement.pdf</a>
<b>Title IX Deputy Coordinators:</b> Amber Wagner	850-645-1458	
Vanessa Fuchs	850-644-4933	
Megan Brink	850-245-3894	
Oversight of University Title IX compliance (including sex discrimination and sexual misconduct, Report supervision) and information about University policies and Report procedures.		
<b>Dean of Students Department</b>	850-644-2428	<a href="http://deanofstudents.fsu.edu">deanofstudents.fsu.edu</a>
Responsible for resolution of sex discrimination, sexual misconduct, and retaliation Reports against students (including sexual violence and sexual harassment Reports).		
<b>Equal Opportunity &amp; Compliance</b>	850-645-6519	<a href="http://compliance.hr.fsu.edu">compliance.hr.fsu.edu</a>
Responsible for resolution/investigation of sex discrimination, sexual misconduct, and retaliation Reports against faculty, staff, visitors, contractors, and any other non-students (including sexual violence and sexual harassment Reports).		
<b>FSU EthicsPoint Hotline</b>	855-231-7511	<a href="http://fsu.ethicspoint.com">fsu.ethicspoint.com</a>
Anonymous discrimination, sexual misconduct (including sexual harassment & sexual violence), and retaliation reporting hotline.		

**Additional On and Off Campus Resources**

<b>FSUS School Counselors</b>	850-245-3700	<a href="http://fsus.fsu.edu">fsus.fsu.edu</a>
Dedicated counseling resources for FSUS students.		
<b>Tallahassee Police Department</b>	850-891-4200 or 911	<a href="http://talgov.com/tpd/tpdhome.aspx">talgov.com/tpd/tpdhome.aspx</a>
Law enforcement authority for reporting and investigating crimes occurring off campus (in the city of Tallahassee).		
<b>Leon County Sheriff's Office</b>	850-922-3300 or 911	<a href="http://leoncountyso.com">leoncountyso.com</a>
Law enforcement authority for reporting and investigating crimes occurring off campus (in Leon County).		
<b>Tallahassee Memorial Hospital</b>	850-431-0911	<a href="http://tmh.org">tmh.org</a>
Emergency room services and SANE sexual assault exams for evidence collection ("rape kit").		
<b>Tallahassee Police Department Victim Advocacy</b>	850-891-4432, 850-891-4246, 850-891-4265, or 850-891-4742	<a href="http://talgov.com/tpd/tpd-victim.aspx">talgov.com/tpd/tpd-victim.aspx</a>
24-hour victim advocate services including: on scene assistance (crime scene, hospital etc.) crisis counseling, support during the legal process, and emergency legal assistance (obtaining protective injunctions).		

<b>Leon County Sheriff's Office Victim Advocate</b>	850-922-3300	<a href="http://leoncountysoc.com/divisions/criminal-investigations/victim-advocate">leoncountysoc.com/divisions/criminal-investigations/victim-advocate</a>
24-hour victim advocate services including: on scene assistance (crime scene, hospital etc.) crisis counseling, support during the legal process, and emergency legal assistance (obtaining protective injunctions).		
<b>Florida Bar Lawyer Referral Service</b>	800-342-8011	<a href="http://floridabar.org">floridabar.org</a>
Referral service to find legal representation in Florida.		
<b>Lee's Place</b>	850-841-7733	<a href="http://leesplace.org/">http://leesplace.org/</a>
Provides therapy to adults, children, and families, regardless of their financial circumstances (on a sliding fee scale), who are coping with loss, trauma, or life changing experiences, while offering specialized training and education to the community.		
<b>Florida Council Against Sexual Violence</b>	1-888-956-7273	<a href="http://fcasv.org">fcasv.org</a>
State-wide information and resources for sexual violence.		
<b>Florida Coalition Against Domestic Violence</b>	1-800-500-1119 or TDD (800) 621-4202	<a href="http://www.fcadv.org">www.fcadv.org</a>
State-wide information and resources for domestic and dating violence.		
<b>Legal Services of North Florida</b>	850-385-9007	<a href="http://www.lsnf.org">www.lsnf.org</a>
Provides free legal representation in dating, domestic and sexual violence and stalking cases for qualified applicants in the Big Bend Area.		
<b>National Domestic Violence Hotline</b>	1-800-799-7233 or TTY 800-787-3224	<a href="http://www.thehotline.org">www.thehotline.org</a>
24/7 support, crisis intervention, and referral service for survivors domestic violence.		
<b>RAINN (Rape, Abuse, &amp; Incest National Network)</b>	1-800-656-4673	<a href="http://rainn.org">rainn.org</a>
Rape recovery support services.		
<b>Center for Global Engagement</b>	850-644-1702	<a href="http://cge.fsu.edu">cge.fsu.edu</a>
Immigration advising and support for international students.		
<b>Allies &amp; Safe Zones</b>	850-645-0908	<a href="http://safezone.fsu.edu">safezone.fsu.edu</a>
Support network and resources for lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, pansexual, and two-spirit identified (LGBTQ+) students and employees.		

## APPENDIX F: BYSTANDER INTERVENTION

### I. Bystander Intervention: Green Dot

Green Dot is a bystander intervention initiative that recognizes that most people care about the high prevalence of power-based personal violence but don't have the tools to know how to be part of the solution. *Green Dot seeks to change the culture by activating people that have been on the sidelines of power-based personal violence thus making sexual violence prevention a responsibility of everyone.* The program uses the concept of Green Dots (actions taken to eliminate/prevent Red Dots) versus Red Dots (potential/real acts of violence). Actions can be reactive-responding to a Red Dot in the moment, or proactive- preemptively demonstrating a Green Dot.

#### A. Reactive Green Dots:

- i. **Direct-** Do something that lets the people involved know that you see what is happening; this can be as simple as a check-in.
  - a. Hey are you okay?
  - b. Are you sure this is what you want to do?
  - c. Are you feeling supported in your relationship?
- ii. **Delegate:** If you are unable to do something directly in the situation, think of ways that you can engage help from others.
  - a. Ask a your friend or friends of the individual involved to intervene
  - b. Ask a bouncer/police officer/front desk staff person to intervene
  - c. Tell someone anonymously that you think that a person needs help
- iii. **Distract:** If you are unable to acknowledge the situation directly, try to think of a distraction that will diffuse the situation or calm things down in the moment.
  - a. Start a conversation with those involved that is unrelated
  - b. Spill a drink or cause a disturbance that interrupts the behavior
  - c. Pretend like you need assistance from one of the individuals involved

#### B. Proactive Green Dots:

Proactive Green Dots are things we can do to begin stopping red dots before they even start. They are the words we say, actions we take, and messages we send, that let people know that we do not tolerate violence on our campus and that everyone has a role to play. We all have the power to change our campus culture!

- i. An email signature asking "What's your Green Dot?"
- ii. Assigning/writing a paper in class on this topic
- iii. Putting up a slide before class starts about bystander intervention
- iv. Making a post on social media

## **APPENDIX G: TRAINING, EDUCATION, AND PREVENTION PROGRAMS**

### **I. Training**

In accordance with Title IX, Florida State University (“University”) does not discriminate on the basis of sex in education programs and activities. This Appendix identifies the University’s training, education, and prevention programs related to this Policy. The University provides training to students and employees to understand the Policy and how to create an environment that is free from discrimination and harassment.

#### **A. University Officials Involved In Implementing the Policy**

University Officials who are involved in implementing this Policy include the Title IX Director, Deputy Title IX Coordinators, Office of Equal Opportunity and Compliance investigators, and Student Rights and Responsibilities Administrative Hearing Boards and Hearing Officers. These individuals receive annual training related to implementing this Policy. Trainings occur onsite and at local, regional, and national trainings.

#### **B. Responsible Employees**

Employees receive online and in-person training from the Office of Equal Opportunity and Compliance on Sexual Misconduct. These trainings cover all pertinent information related to non-discrimination and non-retaliation. In-person trainings are tailored to the audience (e.g., supervisor/non-supervisor). Sexual Misconduct training is required for all incoming employees. Covered material includes, but is not limited to: the definition of sexual misconduct; University reporting requirements if an employee witnesses or learns of sexual misconduct; University reporting and investigation procedures; and how to effectively respond in various situations. Strategies to avoid potentially harassing behavior are also addressed. After completing this training, attendees will know University expectations regarding workplace behavior in the sexual misconduct arena, what to do if they are being sexually harassed, what to expect if they are suspected of misconduct, and who to contact on campus for assistance with these issues.

#### **C. Students**

Students receive training on the Policy, prohibited behaviors, campus resources including confidential resources, reporting options, victim services, and prevention education. This training can be requested in person and can also be accessed electronically.

#### **D. Residence Staff Training**

Residence staff receive responsible employee training by Human Resources and/or the Title IX Coordinator. Staff also receive additional training related to working with students in a residential community. This training includes process for documenting sexual misconduct incidents, review of campus resources, and process to refer students to campus resources.

## **II. Education and Prevention**

The University adopted a sexual violence prevention program that addresses multiple levels and is based on evidence-informed practices. The Social-Ecological model is used to address risk and protective factors at multiple levels (Individual, Peer/Partner, Organization and Community).

### **A. Individual Level**

#### **i. Green Dot**

Green Dot is a bystander intervention initiative that recognizes that most people care about the high prevalence of power based personal violence but don't have the tools to know how to be part of the solution. Green Dot seeks to change the culture by activating people that have been on the sidelines of power based personal violence thus making sexual violence prevention a responsibility of everyone. The program uses the concept of Green Dots (actions taken to eliminate/prevent Red Dots) versus Red Dots (potential/real acts of violence). Actions can be reactive-responding to a Red Dot in the moment, or proactive- preemptively demonstrating a Green Dot. In addition to the bystander trainings, large scale action events will be organized throughout the year.

#### **ii. Think About It**

All new incoming students are asked to complete an online sexual violence prevention educational program called *Think About It*. *Think About It* covers topics that include: sexual violence in college; definitions related to sexual misconduct; campus conduct policies and state statutes; reporting options: acquaintance assault; abusive relationships; bystander intervention; survivor support; understanding trauma; and on-campus and off-campus resources. Think About It is administered out of the Center for Health Advocacy and Wellness, University Health Services.

#### **iii. FSU Healthy Relationships Toolkit**

The FSU Toolkit on Healthy Relationships is a project developed by the Institute for Family Violence Studies within University's College of Social Work. Through the use of the Toolkit, college students will learn about the components of a healthy relationship, learn how to recognize signs of dating violence and sexual violence, and identify resources available on campus for students who need help.

### **B. Peer/Partner Level**

#### **i. Men Advocating Responsible Conduct (MARC)**

Men Advocating Responsible Conduct (MARC) is a registered student organization that aims to educate the campus community on the issues and concerns regarding relationship and sexual violence. MARC is committed to generating awareness surrounding relationship and sexual violence. They seek to challenge behaviors and assumptions that are counterproductive to an environment that promotes strength, skill, and character. MARC engages men

to actively create solutions that reinforce behavioral norms regarding civility and respect.

ii. Healthy Noles: Healthy Relationships Workshop

Healthy Noles are trained undergraduate peer health educators advised by the Center for Health Advocacy and Wellness, University Health Services. Healthy Noles make a positive impact on campus health and wellness through campus events, presentations and discussions with peers. Healthy Noles offers a Healthy Relationships workshop for students.

iii. Realizing Everyone's Need for Emotional Wellness (RENEW) Healthy Relationships Workshop

Realizing Everyone's Need for Emotional Wellness (RENEW) is an undergraduate mental health advocacy and peer-education program sponsored by the University Counseling Center. RENEW provides outreach, presentations on emotional wellness regarding healthy relationships.

### **C. Organizational Level**

i. Coordinated Community Response Team-Prevention Team

The Coordinated Community Response Prevention Team (CCRT-Prevention) is a subset of the Coordinator Community Response Team. The purpose of CCRT-Prevention is to actively engage the campus community in challenging cultural norms by encouraging bystander interventions and promoting healthy relationships. CCRT-Prevention meets regularly and is comprised of faculty, staff, students, and community members.

ii. Alcohol, Tobacco, & Other Drug Team

The Alcohol, Tobacco, & Other Drug Team (ATOD Team) is a subset of the University's Healthy Campus initiative. The goal of the ATOD Team is work collaboratively to develop programs, initiatives, and services to reduce the proportion of students engaging in high risk behaviors related to alcohol, tobacco and other drugs. The ATOD Team Prevention meets regularly and is comprised of faculty, staff, students, and community members.

iii. Thematic Prevention Initiatives

Throughout the year, there are several thematic prevention initiatives that focus on domestic/relationship violence awareness and prevention, healthy relationships and sexual violence prevention. Each series is organized and facilitated by a variety of campus partners.

iv. Rape Aggression Defense (R.A.D)

The Florida State Police Department offers a Rape Aggression Defense (R.A.D) program that is a comprehensive and includes awareness, prevention, risk, and risk avoidance education. The program is offered for women.

### **D. Community Level**

i. Tallahassee/Leon County Commission on the Status of Women and Girls



The Tallahassee/Leon County Commission on the Status of Women and Girls is a citizens advisory committee that's primary purpose is to promote awareness of issues pertaining to women and girls in Tallahassee and Leon County and to serve in an advisory role providing input to the City and County Commissions as needed. The University is a key partner on this Commission.

ii. Leon County Responsible Decision Making Coalition

The goals of the Leon County Responsible Decision Making Coalition is to provide prevention, enforcement, treatment, and policy development and support in order to reduce underage drinking, binge drinking, smoking and all other forms of substance abuse among youth and college students in Leon County. The University is a key partner on this Coalition.

## **APPENDIX H: AFFECTED/REPORTING PARTY'S RIGHTS**

### **I. Reporting Party's Rights When the Accused is a Student**

Sexual misconduct/gender based violence Reports against students should be submitted to the [Title IX Office](#) and will be resolved through the procedures in the Student Code of Conduct. Your rights during this process are:

- To be treated with respect and dignity.
- To be informed of available options for resolution under the Student Code of Conduct.
- To be informed of campus resources and support services, including, but not limited to the Victim Advocate Program.
- To have unrelated past behavior excluded from the hearing. The past sexual history of the Reporting Party is not relevant, unless deemed essential by the hearing body to protect fundamental due process.
- To attend an information session, during which time the Reporting Party can view all materials related to the case and receive instruction regarding the disciplinary process and the Responding Student's and Reporting Party's rights.
- To have an advisor accompany you when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process. See the Student Conduct code for more information about the role of advisors:
  - [FSU Student Conduct Code](#).
- To present evidence including presenting witnesses and/or signed written statements, as well as other relevant reports and documentary evidence.
- To question (via the Chair of the Hearing Panel) the charged student and witnesses during the hearing.
- To submit an impact statement to the Office of Student Rights and Responsibilities or University Housing.
- To request to testify in a separate room from the Responding Student as long as the process does not unduly compromise the charged student's fundamental due process right to question the witness.
- To request to be present throughout the entire hearing, or portions thereof.
- To be notified of the status and outcome of the student conduct code process at the first hearing level and final appeal to the extent that the outcome directly relates to the Reporting Party and the notification does not violate the privacy rights of the charged student.
- To appeal any first-level decision, provided that one or more of the reasons for appeal is present.

## **II. Reporting Party's Rights When the Accused is an Employee**

Sexual Misconduct Reports against employees are handled by the [Office of Equal Opportunity and Compliance](#) in Human Resources (EOC). Reports can be initiated by submitting a detailed verbal or written statement of the incident to the EOC. The EOC's formal Report form is located at:

[http://hr.fsu.edu/content/eoc/pdf/DiscriminationComplaintForm\\_fill.pdf](http://hr.fsu.edu/content/eoc/pdf/DiscriminationComplaintForm_fill.pdf)

Your rights during the EOC Report process are:

- To be treated with respect and dignity.
- To be informed of available options for resolution under the EOC's procedures.
- To be informed of campus resources and support services.
- To request reasonable interim measures to ensure your safety while a Report is investigated. (The EOC will determine whether the request can be granted after consultation with the Title IX Director or University Counsel, as appropriate.)
- To be accompanied to all meetings by an advisor of your choice. The advisor may not speak for you.
- To submit a written Report, supporting documents, and other relevant evidence.
- To propose witnesses (the EOC will determine whether or not a proposed witness will be interviewed).
- To receive a prompt, thorough, and impartial investigation of your Report.
- To participate in an intake interview with the EOC and review your interview notes.
- To be kept informed of the status of your case throughout the process upon request.
- To be notified of the outcome of your case in writing.
- To make a written records request to the EOC for a copy of the Investigative Summary of the case, once the case has been closed. The EOC will provide the requested information to the extent permissible under the law (redactions may be necessary in some instances).

If you have questions about your rights or the complaint process, please contact EOC at 850-645-6419 or [EOC@fsu.edu](mailto:EOC@fsu.edu).

## **III. Reporting Party's Rights When the Accused is a FSUS Student**

Sexual misconduct/gender based violence Reports against students should be submitted to the Deputy Title IX Coordinator and will be resolved through the procedures in this policy and the [FSUS' Student Code of Conduct](#). Your rights during this process are:

- To be treated with respect and dignity.
- To be informed of available options for resolution under the Student Code of Conduct.

- To be informed of campus resources and support services, including, but not limited to the Victim Advocate Program.
- To have unrelated past behavior excluded from the hearing. The past sexual history of the Reporting Party is not relevant, unless deemed essential by the hearing body to protect fundamental due process.
- To have an advisor accompany you when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process. See the Student Conduct code for more information about the role of advisors.

#### **IV. Reporting Party's Rights in Criminal Proceedings**

Victim rights in the Florida criminal system are explained in [Chapter 960 of the Florida Statutes](#).

## **APPENDIX I: RESPONDING PARTY'S RIGHTS**

### **I. Responding Student's Rights**

If you have been accused of sexual misconduct/gender based violence (sexual assault, sexual harassment, gender based harassment, dating or domestic violence, stalking and/or sexual exploitation) and /or retaliation for any of the above offenses, you have certain rights under the University's Sex Discrimination and Sexual Misconduct Policy and the Student Conduct Code. These rights are listed below for your information. The complete Sex Discrimination and Sexual Misconduct Policy is available online at:

The Student Conduct Code is available online at: <https://dos.fsu.edu/srr/conduct-codes/student-conduct-code> .

- To be treated with respect and dignity.
- To be informed of the allegations against you.
- To be informed of available options for resolution under the Student Code of Conduct.
- To be informed of campus resources and support services, including, but not limited to the Office of the University Defenders, University Counseling Center, and University Health Services.
- To attend an information session, during which time you can view all materials related to the case and receive instruction regarding the disciplinary process and the Responding Student's and Affected/Reporting Party's rights.
- To have an advisor accompany you when being interviewed by the Title IX Director or designee and when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process. See the Student Conduct code for more information about the role of advisors:
  - [FSU Student Conduct Code](#)
- To present evidence including presenting witnesses and/or signed written statements, as well as other relevant reports and documentary evidence.
- To question (via the Chair of the Hearing Panel) the Affected/Reporting Party and witnesses during the hearing.
- To be notified of the status and outcome of the Student Conduct Code process at the first hearing level and final appeal.
- To appeal any first-level decision, provided that one or more of the reasons for appeal is present.

### **II. Employee- Responding Party's Rights**

If a formal complaint of discrimination or sexual misconduct has been made against you, you have the following rights during the EOC complaint process:

- To be treated with respect and dignity.

- To be informed of the existence and nature of the complaint against you. You may not be given the details of the complaint until your interview with the EOC.
- To be informed of campus resources and support services.
- To be accompanied to all meetings by an advisor of your choice. With the exception of union representatives, an advisor may not speak for you.
- To receive a prompt, thorough, and impartial investigation of the complaint against you.
- To participate in an interview with the EOC and review your interview notes (where applicable).
- To submit a written response to the complaint, supporting documents, and other relevant evidence to the investigator in a timely fashion.
- To propose witnesses (the EOC will determine whether or not a proposed witness will be interviewed).
- To be kept informed of the status of your case throughout the process, upon request.
- To be notified of the outcome of your case in writing.
- To make a written records request to the EOC for a copy of case related documents (e.g. the Investigative Summary) once the case is closed. The EOC will provide the requested information to the extent permissible under the law (redactions may be necessary in some instances).

If you have questions about your rights or the complaint process, please contact EOC at 850-645-6419 or [EOC@fsu.edu](mailto:EOC@fsu.edu).

### **III. FSUS Responding Student's Rights**

If you have been accused of sexual misconduct/gender based violence (sexual assault, sexual harassment, gender based harassment, dating or domestic violence, stalking and/or sexual exploitation) and /or retaliation for any of the above offenses, you have certain rights under the University's Sex Discrimination and Sexual Misconduct Policy and the Student Conduct Code. These rights are listed below for your information. The complete Sex Discrimination and Sexual Misconduct Policy is available online at: [www.titleix.fsu.edu](http://www.titleix.fsu.edu).

- To be treated with respect and dignity.
- To be informed of the allegations against you.
- To be informed of available options for resolution under the Student Code of Conduct.
- To be informed of campus resources and support services, including, but not limited to school counselors.

- To have an advisor accompany you when being interviewed by the Title IX Director or designee and when presenting information to the Title IX Director or designee and to any other relevant meetings held throughout the disciplinary process.