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I. Introduction

~~Sex Discrimination and Sexual Misconduct~~ misconduct is contrary to Florida State University's ("FSU" or "University") values and moral standards, which recognize mission and vision, the dignity and worth State University System of each person. Florida's regulation BOG 6.0105, Title IX of the Education Amendments of 1972, and the Violence Against Women Act (VAWA) Amendments to the Clery Act. The University is committed to providing and maintaining programs, activities, and an educational ~~and,~~ work, living, and social 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 (any protected category, including gender), sex, pregnancy,~~ sexual orientation, gender identity, or gender expression ("Sex Discrimination"). The University strongly promotes the involvement of ~~all campus constituents~~ everyone, regardless of status with the University, in making FSU a safe and welcoming environment. In order for the University to address situations of ~~Sex Discrimination or Sexual Misconduct~~ sexual misconduct, individuals are ~~encouraged to~~ should 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), 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;~~
- ~~• unreasonably interferes with an individual's access to educational or employment opportunities or benefits; 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. This Policy operates in conjunction with additional University regulations and policies, including Sexual Assault, Sexual Harassment, and other unwelcome sexual behavior, but not limited to:~~

- FSU Regulation 6.014 Non-Discrimination
- FSU Regulation 3.004 Student Conduct Code
- FSU Regulation 3.0041 Student Organization Conduct Code
- FSU Policy 2-2a Title IX Compliance Policy
- FSU Policy 4-OP-C-7-13 Equal Opportunity, Non-Discrimination, and Non-Retaliation
- Florida State University Schools Code of Student Conduct

III. Scope and Applicability

~~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 [Authority for scope and applicability of this Policy](#), is a form of Sex Discrimination prohibited is delegated to the Title IX Director 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 the President of Florida State University makes. The Title IX Director has the authority to determine which procedural standards and jurisdiction apply to specific instances of reported conduct. Any reference in this Policy and educational opportunities readily available to all students/employees and other members of to the role or responsibilities of a specific University~~

community.

III. Objectives

It is the practice of official may be delegated by the University official to:

- ~~provide educational, preventative, and training programs regarding Sex Discrimination and Sexual Misconduct;~~
- ~~encourage reporting of incidents;~~
- ~~take an appropriate action to prevent incidents that deny or limit an individual's ability to participate in or benefit from the University's programs; designee.~~
- ~~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. I. 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:~~

~~On~~ This Policy applies to any reported prohibited conduct, as defined herein, committed by students, employees (faculty, staff, or other paid employees), volunteers, visitors, contractors/vendors, or others, that occurs:

~~A.~~ • on University property; or premises;

~~B.~~ • Off at University property, if: sponsored programs or activities; and

• off-campus as determined by the following factors (including, but not limited to):

~~i.~~ the conduct was in connection with a University adversely affects or University recognized program or activity;

~~ii.~~ the conduct may have the effect of creating a hostile environment for a member of affected the University community; or

~~o~~ the conduct is criminal endangers or endangered the health or safety of a University affiliate or others.

~~iii.~~ In the instance of allegations of 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. In instances of a formal Title IX complaint, the allegations will be reviewed to determine applicability of the University's Title IX Compliance Policy or other applicable processes. Other University resources may be available to address situations not covered by this Policy. nature Any identified individual adversely affected by prohibited conduct ("Affected Individual") will be offered information on applicable support resources and resolution processes.

~~V. IV. Oversight and Investigation of Response Procedures~~

The Title IX Director is the designated University authority responsible for ensuring compliance with this Policy. This will be accomplished through collaboration and coordination 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.~~ Information will be shared for response procedures on an educational need-to-know basis in compliance with the Family Education Rights and Privacy Act (FERPA) and Florida Statutes.

~~Sex Discrimination and Sexual Misconduct Report investigations~~ Reports of sexual misconduct and other prohibited conduct will be handled/processed as follows:

A. ~~The Office of Title IX Office is the internal authority within the University designated by FSU as responsible for investigating Reports of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity allegedly committed~~ responding to Reports of prohibited conduct by students or student organizations. Upon completion of the Office of Title IX Office's/IX's investigation, as applicable, the Dean of Students Department's Office/Department of Student Rights/Conduct and Responsibilities/Community Standards is the internal authority within the University designated by FSU as responsible for determining, as appropriate, whether to charge and sanction/assign outcomes to students accused of committing acts of Sex Discrimination, Sexual Misconduct, and Retaliation-violating this Policy. The basis for any decision of responsibility in an informal or formal hearing will be whether upon a preponderance of the information, it is more likely than not that a violation or violations of the Student Conduct Code or Student Organization Conduct Code occurred.

~~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").~~

B. Human Resources' Equity, Diversity and Inclusion Office ("EDI") is the internal authority designated by FSU as responsible for responding to Reports of prohibited conduct by employees (faculty, staff, and OPS) or "Third Parties" (employment applicants, visitors, volunteers, vendors, and contractors, and other third parties when the Affected Individual is an employee or intern). Upon completion, as applicable, Human Resources' Employee Labor Relations or Faculty Relations sections are the internal authority responsible for determining appropriate corrective or disciplinary action. Response procedures for conduct prohibited under this Policy will use a preponderance of the information standard, which means that the information as a whole shows that it is more likely than not that the prohibited conduct occurred and it violates this Policy.

C. Florida State University Schools ("FSUS") is the internal authority ~~within the University~~ designated by FSU as responsible for investigating/responding to Reports of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity allegedly committed/prohibited conduct by enrolled FSUS K-12 students.

D. The Florida State University Police Department (“FSU Police Department” or “FSUPD”) is responsible for ~~investigating and making arrests regarding~~ responding to Reports of crimes on campus including, but not limited to, criminal Reports of Sexual Assault / Sexual Battery / Rape, Domestic Violence, Dating Violence, and Stalking within their jurisdiction. In the event of an incident occurring ~~off-campus,~~ outside the local jurisdiction of FSUPD, the law enforcement agency with jurisdiction is responsible for investigating the crime and making any subsequent arrests.

~~E. In the event the alleged perpetrator a~~ Responding Individual is unknown or has no University affiliation, the Title IX Director ~~or designee~~ will determine which ~~investigator is most~~ offices are appropriate to conduct the Title IX investigation.

~~F. E. 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~~ be notified in order to accommodate respond to the unique circumstances Report.

~~When appropriate, the~~ An administrative investigation will be conducted simultaneously with and independent from any criminal investigation, upon receipt of a formal complaint or in support of University safety measures. As prudent for the criminal investigation, the administrative investigation may be delayed.

VI.V. Prohibited Conduct

This Policy prohibits ~~all~~ the below forms of sexual misconduct¹ including:

A. Sex/Gender/Orientation-Based Discrimination:

i. Disparate treatment toward a person based on sex, gender, sexual orientation, gender identity, gender expression, or pregnancy status which materially adversely impacts academic, employment, or other decisions related to University programs and Sexual Misconduct including activities.

~~A. Sex and Gender based Discrimination;~~

a. Disparate treatment, including stereotyping and animosity, may result in the creation of a hostile environment, adverse employment or academic actions, or inequitable access to University programs or opportunities.

ii. Maintaining seemingly neutral policies, practices, or requirements that have a disparate impact on academic or employment opportunities without a valid academic or business reason.

iii. In the case of pregnancy, loss of pregnancy, termination of pregnancy, or childbirth, failure to provide reasonable accommodation(s) upon request.

B. Sexual Harassment;

A. When Respondent is a student: see definition in Student Conduct Code.

B. When Respondent is an employee:

i. Quid Pro Quo: Unwelcome sexual advances, requests for sexual favors, and

¹ Terms used in this Policy are more expansive than those used in the 2-2a Title IX Compliance Policy and the Student Conduct Code.

other verbal, non-verbal, or physical conduct of a sexual nature when:

- 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 activities; or
- submission to or rejection of such conduct is used as the basis for an organizational, academic or employment decision.

ii. (Hostile) Environment: Unwelcome conduct that:

- is sufficiently severe or pervasive, and both subjectively (to the Affected Individual) and objectively (to a reasonable person) offensive, that creates an intimidating, threatening, or hostile environment; or
- unreasonably denies, interferes with, or limits an individual's ability to participate in or benefit from University opportunities, programs, or activities.

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

- 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.
- 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.
- Physical Conduct: unwelcome sexual touching of another's body, not otherwise defined by Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact, such as massaging, patting, hugging, rubbing, etc.

C. Sexual Violence: Includes any sexual act performed without the consent of the Complainant (or when the Complainant Individual is unable to give consent), whether referred to as sexual violence, rape, sexual battery, or sexual assault. For purposes of this Policy, sexual violence includes:

- a. Non-consensual Sexual Intercourse: Any vaginal or anal penetration by a penis, tongue, finger, or object, or any mouth to genital contact, without consent, no matter how slight the penetration or contact.
- b. Non-consensual Sexual Contact: Any unwelcome, intentional contact of a sexual nature without consent, either under or over clothing, with a person's breasts, buttocks, groin, genitals, mouth, or other intimate parts (based on a reasonable person standard). This includes:
 - touching of these intimate body parts;

- touching another with any of these intimate body parts;
 - forcing a person to touch you, or themselves, or another with any of these intimate body parts; or
 - any other intentional bodily contact of a sexual nature with any other body part.
- c. Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by state law.
- d. Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

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.

- Consent to one type of sexual activity does not imply consent to other types of sexual activity. There must be consent at every stage of the sexual encounter.
- Past consent to sexual activity does not imply consent to future sexual activity.
- 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. Meaning any indication of unwillingness, including but not limited to the following, terminates consent.
 - Any verbalization of no, stop, don't, I do not want, I am not sure, that hurts, etc.
 - Ceasing participation in sexual activity (e.g., freezing or not actively engaging), pulling away, pushing someone away, removing someone's touch from a specific area, blocking someone from touching a specific area, etc.

Individuals who are not of legal age, are incapacitated, or are forced cannot give consent to sex (no matter what they say or do); see definition of Incapacitation. If there is any question regarding whether a person may be incapacitated or able to give consent, do not engage in any type of sexual activity with that person.

Force: Consent cannot be obtained by force. Force includes the use of coercion, intimidation, physical violence, and/or threats.

- Coercion: Using an unreasonable amount of pressure, including alcohol or drugs, to have sexual contact with someone. Coercion is more than an effort to persuade, entice, or attract another person to have sexual contact. When a person makes clear a decision not to participate in a particular sexual activity, a decision to stop, or a decision not to go beyond a certain sexual point of sexual activity, continued pressure can be coercive.

In evaluating whether coercion was used, the University will consider:

- the frequency of the application of the pressure;
- the intensity of the pressure;

- the degree of isolation of the person being pressured; and,
- the duration of the pressure.
- Intimidation: An implied threat that menaces or causes reasonable fear in another person. A person's size alone does not constitute intimidation; however, it may be a contributing factor (e.g., blocking access to an exit.)
- Physical Violence: Use of physical violence and/or imposing on someone physically to control and engage in sexual contact or intercourse. Physical violence includes but is not limited to hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
- Threats: Words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.

Incapacitation: A state where a person cannot make knowing, intelligent, unambiguous, and voluntary decisions and therefore cannot give consent (e.g. cannot understand the: who, what, when, where why, or how of the sexual interaction). An individual can be incapacitated by voluntary or involuntary use of drugs (legal, illegal, or prescription) or alcohol, illness, mental impairment/disability, or by a state of being asleep or unconsciousness.

Incapacitation is a state beyond drunkenness or intoxication. 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;
- combativeness or emotional volatility;
- vomiting;
- incontinence;
- being disoriented, or confused as to time, place, etc.; and/or
- loss of consciousness.

In matters of accountability/culpability, the University will consider whether a Respondent knew or should have known that the Complainant 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.

Legal Age: The legal age of consent in Florida is 18; however, this Policy recognizes exceptions as defined by section 794.05, Florida Statutes. Legal age of consent may differ in various jurisdictions. See Statutory Rape definition.

D. Dating/Domestic Violence (Intimate Partner Violence): Is a single severe incident or pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner. Dating/Domestic

violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes but is not limited to any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, wounds someone, prevents an individual from doing what they wish, or forces them to behave in ways they do not want, or property damage. It can also include abuse through the use of technology.

- i. Dating: 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. The existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. the length of the relationship,
 - b. the type of relationship, and
 - c. the frequency of interaction between the persons involved in the relationship.
- ii. Domestic: Violence between family or household members. Family/household members are, or are similarly situated to, 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.

~~C. Sexual Violence (Rape/Sexual Assault/Sexual Battery);~~

~~D. Relationship Violence (Domestic Violence and Dating Violence);~~

~~E. Stalking; and~~

~~F. Sexual Exploitation.~~

Dating/Domestic Violence also includes assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal violation.

- E. Stalking: Engaging in a course of conduct (i.e. more than one act) directed at a specific person that would cause a reasonable person to:
 - i. fear for the person's safety or the safety of others; or
 - ii. suffer substantial emotional distress.

Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to, threats of harm to self, another, or property; pursuing or following; non-consensual communication by any means; unwanted gifts; trespassing; and surveillance or other related types of observation. Stalking also includes cyber-stalking through electronic means including electronic mail, social media, cell phones, text messages, other communication applications, or the internet.

F. Sexual Exploitation: Any act where one person violating the sexual privacy of another

and/or takes unjust or abusive sexual advantage of another person without their consent for their own benefit or for the benefit anyone other than the person being exploited. Sexual Exploitation includes, but is not limited to:

- causing or attempting to cause the incapacitation of another person for the purpose of gaining sexual advantage;
- prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another) or sex trafficking;
- where there is a reasonable expectation of privacy, or without consent, the videotaping, photographing, or audio-taping of intimate, nude, or sexual activity and/or distribution of these materials via media such as, but not limited to, the Internet and other electronic/digital media;
- exceeding the boundaries of consent. Including but not limited to:
 - deviation from the agreed upon sexual contact with regards to use of a birth control method/option or other medication for prevention of pregnancy and sexually transmitted disease/infection transmission,
 - knowingly exposing another to a sexually transmitted disease/infection without their knowledge and consent, or
 - other omissions or falsifications that would imminently endanger the health or safety of the other party.
- engaging in indecent exposure (i.e., intentionally exposing one's genitals in public, or via electronic communication) with the intention of alarming, distressing, and/or offending others;
- soliciting a minor or creation, possession, transmission, or distribution of child pornography; or,
- voyeurism, such as, watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person being observed.

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: Any creation of a Policy violation, is not a false Report hostile environment or adverse action threatened or taken. 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 because they make a Report or Complaint pursuant to this Policy; assist another person in making a Report; participate in the investigation or resolution 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 a violation of this Policy; 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~~ make a pregnancy-related reasonable accommodation request. Note: An individual,
 - ~~G. creates a hostile environment (behavior that is intimidating, threatening, coercing, or filing a good faith complaint, in any way discriminating), and of itself, is not retaliatory.~~
- ~~because the individual made a Report, participated in an investigation, otherwise reasonably opposed discriminatory conduct, or engaged in another protected activity.~~
- H. Complicity is any: 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.
- I. An employee who holds institutional, supervisory, or evaluative authority over another person and engages that person in a sexual or romantic relationship. See Consensual Relationship, in Section IX(N).
- J. Failure to Report as mandated by this Policy.
- K. Failure to enact supportive or other institutional action, as directed by the University.
- L. Knowingly filing a false Report or Complaint, providing false information, or misleading University officials in proceedings pursuant to the Policy. Note: Failure to prove a claim of Sexual Misconduct or other prohibited conduct is not equivalent to a false allegation.

VIII.VI. Confidentiality and Reporting Obligations and Confidentiality

~~The~~ An individual who has been affected by prohibited conduct may disclose to others or make a Report or Complaint to applicable University administrators, if and when they are ready; however, the University encourages timely reporting to ensure the Affected Parties to report incidents so that they can get the Individual is made aware of support they need and so that the University can respond appropriately. There are various reporting and confidential disclosure options available to resources and resolution processes. An Affected Parties, such as making both a University Report and a criminal Report concurrently, but doing so is not required for the Affected Party Individual does not have to pursue a complaint/resolution process in order to receive support, resources.

Specific University ~~officials~~ employees are designated as Confidential University Representatives and can discuss ~~Sex Discrimination or Sexual Misconduct~~ concerns on a confidential basis. All other ~~individuals~~ employees 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.~~ make a Report to applicable University administrators regarding any disclosure of

prohibited conduct.

- 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,~~ make a Report to University administrators or any law enforcement agency. Confidential University Representatives include the following individuals when providing medical care, ~~advice,~~ guidance, support, and/or counseling when acting in their primary professional responsibility:
- i. ~~Licensed~~ licensed University and medical and mental health providers;
 - ii. ~~Designated~~ designated University paid and unpaid staff working under the supervision of a licensed medical or mental health provider;
 - iii. University Victim Advocates; and
 - iv. ~~Designated~~ 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~~ FSU Police Department, 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~~ 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).

~~B.~~ 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 outside of the event), circumstances described above, will trigger a mandatory report.

The University also recognizes that disclosures may occur in an academic setting (i.e., as part of coursework, research, or creative activity submitted to an instructor in connection with a course assignment), or a research setting (i.e., during participation as a subject in an approved human subjects research protocol). Such disclosures will not be considered notice to the University for purposes of triggering a mandatory report. Instructors, especially those whose assignments may elicit a disclosure, are encouraged to include a syllabus statement that clarifies when disclosures will or will not lead a mandatory Report by the instructor. The University's Institutional Review Board may, in appropriate cases, require researchers to provide similar information to research subjects.

All employees participating in or overseeing public awareness events, academic work, or research should err on the side of reporting if they are uncertain if the circumstances meet the situational confidentiality parameters. Additionally, regardless of whether a Report is required, all employees are encouraged to contact the Victims Advocate Program if the Affected Individual is in need of support services. If any employee becomes aware of information that suggests a safety risk to a member of the University community, they should contact FSU Police Department immediately.

C. Responsible Employees: are employees (including but not limited to: faculty, adjuncts, graduate assistants, staff, coaches, student employees, and all other paid University employees) who have a mandatory duty to report known or suspected incidents of prohibited conduct regardless of when or where the incident occurred, or how the employee becomes aware. All disclosures should be accepted at face value and reported without further questioning of the individual making the disclosure or any other parties involved.

The following outlines when a Responsible Employee is required to Report:

- i. When in doubt as to whether the Affected Individual or Responding Individual is a **student**.
- ii. When the Affected Individual or Responding Individual is an **employee** and they fall under the Responsible Employee's supervisory or institutional authority. This includes, but is not limited to:
 - a. University Administrators, as defined in Appendix D;
 - b. Deans, Directors, and Department Heads ("DDH");
 - 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); and
 - d. FSU Police Department.

If a Responsible Employee witnesses, becomes aware of, or receives a disclosure is made

in connection with the event, the event leader will err on of prohibited conduct, they must Report all relevant details about the side of disclosure. Relevant details may include but are not limited to, 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 days** (as defined herein) after becoming aware of the prohibited, absent extraordinary circumstances.

If an incident reported is covered by the record keeping and reporting requirements of the Jeanne Clery Act, 20 U.S.C. § 1092(f), the applicable University administrator 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 directly designated as 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.

D. Other Reporting Obligations:

- i. A person who observes the commission of the crime of sexual battery and has present ability to seek assistance for the victim is required by Florida law to seek assistance by immediately reporting to law enforcement, unless the observer is the victim, is a relative of the offender or victim, or would be exposed to threat of physical violence for seeking assistance.
- ii. When the incident involves a **minor**, (under 18 at the time of the abuse). Florida law requires reporting to the Florida Department of Children and Family Services (“DCF”).
 - a. For all known or suspected incidents of involving abuse (including sexual abuse) of an individual under 18 years of age, Florida law requires every individual to immediately make a report to the DCF’s 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. An Affected Party who For more information on reporting go to: <https://www.myflfamilies.com/service-programs/abuse-hotline/report/index.shtml>.
 - b. If the incident of child abuse occurs within FSU Police Department jurisdiction, the Responsible Employee must be reported to FSU Police Department (or applicable local law enforcement).
 - c. If the incident of child abuse is sexual or gendered in nature, the Responsible Employee must report via report.fsu.edu.

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

Information disclosed to a Responsible Employee will only be Reported and shared with people responsible for handling the University’s response. Responsible Employees should not report the incident to law enforcement (including FSU Police Department) without the Affected Individual’s consent, or unless required by law. 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 FSU Police Department

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 Individual.

If an Affected Individual speaks only to a Confidential University Representative, the Affected Individual is advised that this is not considered to be a Report of prohibited conduct, and without more, the information remains confidential and 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 Individual. 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 Individual 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 Individual 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 later date.

~~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 (“DDH”);~~
 - ~~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 [How](#) 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.~~

VII. For all known or suspected incidents of [Where to Report 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 and Other Prohibited Conduct

~~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~~ Individuals may report incidents of prohibited conduct on their own behalf (i.e., as the Affected Individual) or on behalf of the Affected Individual (i.e., as third-party reporters and Responsible Employees).

The University has two main administrative reporting portals:

- A. Report.fsu.edu, report concerning behavior happening in the FSU community.
- B. EthicsPoint, 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. anonymous and confidential reporting hotline, toll-free (855) 231-7511.

Note: If a crime is currently in progress, someone is injured, or anyone is in immediate danger or being threatened, call 911 immediately. The Report will be forwarded to the applicable University administrator, as outlined in Section IV (Oversight of Response Procedures). See Appendix E for specific names and contact information of applicable University administrators.

~~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.~~

VIII. Response Procedures for Reported Prohibited Conduct

Upon receipt of a Report, a prompt, thorough, and impartial review will be conducted. If named, the Affected Individual will be contacted for an information session; otherwise, a risk assessment will be conducted based on the nature of the reported prohibited conduct to determine if the University will take further action. The information session with the Affected Individual will include, as applicable, notification of rights, referral to support resources, review of relevant resolution options, and discussion of any necessary interim measures.

D. Requests for Confidentiality

- A. After the disclosure or reporting of an incident to the Title IX Director, the Affected/Reporting Party
No Action: If an Affected Individual wishes, they may request No Action be taken by the University regarding the incident(s) of prohibited conduct that they disclosed. Specifically, they may request that:
 - i. the information (including, but not limited to, the Reporting Party's Affected Individual's name) not be shared with the Responding Party/Individual, or with others, even if this limits the University's ability to address the allegations reported prohibited conduct;
 - ii. the University not investigate the allegation; and/or reported prohibited conduct;
 - iii. the University not intervene to address the reported prohibited conduct (e.g., alternative resolution, informal resolution, or formal investigation; and/or
 - iii.iv. _____ 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. No Action. If an Affected/Reporting Party shares information regarding alleged Sex Discrimination or Sexual Misconduct with Individual discloses to a Responsible Employee, who submits a mandatory Report, and subsequently the Affected Individual refuses/fails to engage~~

with the ~~Title IX Director or designee~~applicable University administrator, this refusal will be treated as a request for ~~confidentiality~~No Action.

i. Evaluation of the Request: The ~~Title IX Director~~applicable University administrator will evaluate the request for ~~confidentiality~~No Action in the context of the University's commitment to ~~provide~~providing a safe and non-discriminatory environment. In order to make such a determination, ~~the Title IX Director may gather~~additional information may be gathered regarding the ~~alleged Sex Discrimination or Sexual Misconduct~~and may weigh requests for confidentiality prohibited conduct so they may be weighed against the following factors, ~~among others~~including but not limited to:

a. the seriousness of the ~~alleged offense~~prohibited conduct (including, but not limited to, whether the ~~offense~~incident was perpetrated with a weapon or included severe physical injury to the ~~Affected/Reporting Party Individual~~);

b. the risk that the accused/Responding Individual will commit additional acts of Sex Discrimination or Sexual Misconduct, prohibited conduct, such as-(a) ;

~~b. whether there have been other~~

- ~~disclosures or Reports against the accused, (b) whether the accused~~the Responding Individual has a history of prior Reports, arrests, or records from a prior school/employer indicating a history of Sex Discrimination or Sexual Misconduct prohibited conduct or a history of violence;

- ~~(c) whether the accused/Responding Individual threatened further Sex Discrimination or Sexual Misconduct prohibited conduct or threatened violence against the Affected/Reporting Party Individual or others;~~ ~~(d)~~

- whether the offense/prohibit conduct was committed by multiple individuals;

c. whether the information reveals a pattern of ~~perpetration~~behavior (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group or person;

d. the accused's potential for an employee to utilize their access to sensitive information in an inappropriate manner;

~~d.e.~~the Responding Individual's right to receive information about the allegations-if the information is maintained by the University as an "education record" under FERPA;

e.f. whether the Affected/Reporting Individual Party is a minor;

f.g. the level of fear for their safety as expressed by the Affected/Reporting Party Individual;

~~g.h.~~whether the University possesses other means to obtain relevant evidence/information of the Sex Discrimination or Sexual Misconduct prohibited conduct (e.g., security cameras or security personnel, physical evidence); and

~~h.i.~~the level of threat to the Affected/Reporting Party Individual or to the University community-as assessed by the Title IX Director or designee.

~~The presence of one or more of~~In the event that the Affected Individual is not

~~named/identifiable in a Report, these same factors may lead~~will be used by the applicable University administrator to investigate and, if conduct a risk assessment to determine the appropriate, pursue disciplinary course of 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.~~
- ii. regarding No Action: If the University determines that it cannot maintain confidentiality ~~grant No Action~~, it will inform the Affected/Reporting Party Individual prior to starting an investigation and or taking any intervening actions. A high priority will continue to ~~place a high priority~~ be placed on the Reporting Party's Affected Individual'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 Individual from retaliation or harm and Victim Advocate Program will work with the Affected/Reporting Party Individual to create a safety plan, if warranted, and assist the Affected/Reporting Party Individual in accessing other services and interim measures.

It should be noted that when the University honors the request for ~~confidentiality~~ No Action, the University's ability to investigate and take reasonable action in response to an ~~allegation of Sex Discrimination or Sexual Misconduct~~ reported prohibited conduct may be limited, because the

~~accused~~ Responding Individual has a right to know sufficient information regarding the nature of the allegations to respond fully in ~~his or her~~ their own defense (and in ~~some~~ most cases this will include the identity of the ~~accuser~~ Affected Individual).

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. **Tricia Buchholz, Title IX Director:**~~

~~408 H Westcott~~

~~tbuchholz@fsu.edu~~

~~222 Copeland St.~~

~~850-625-2741~~

~~<https://knowmore.fsu.edu/> (to file the report online)~~

~~B. Any University Deputy Title IX Coordinator:~~

~~i. **Employees and Third Parties**~~

~~**Amber Wagner**~~

~~EDI Compliance Investigator & ADA Coordinator~~

~~Equity, Diversity, & Inclusion Office~~

~~Human Resource~~

~~A6200 University Center~~

~~282 Champions Way~~

~~Tallahassee, FL 3230~~

~~amwagner@fsu.edu~~

~~850-645-1458~~

~~<http://compliance.hr.fsu.edu>~~

~~ii. **Athletics:**~~

~~**Vanessa Fuchs, Senior Associate Athletics Director**~~

~~D4200 University Center~~

~~282 Champions~~

~~Tallahassee, FL 32306
Wayvfuchs@fsu.edu
850-644-4933~~

~~iii. Florida State University Schools
Megan Brink
High School Principal
Florida State University School (FSUS)
Office 10-114
3000 School House Road
Tallahassee, FL 32311
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;~~
- ~~L. EthicsPoint, the University's anonymous and confidential reporting hotline, toll-free (855) 231-7511; or~~
- ~~M. Report.fsu.edu, report concerning behavior happening in the FSU community.~~

~~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:~~

~~An individual who has experienced Sex Discrimination or Sexual Misconduct~~Nothing in this section, or in this Policy in general, is intended to interfere with, nor shall be read to interfere with, any individual's or organization's responsibility to report misconduct pursuant to federal laws or rules (e.g., granting agencies), licensing rules, or other agencies or boards that impose standards of professional conduct. Outside reporting shall be coordinated with the Office of the General Counsel to ensure compliance with relevant privacy laws.

B. Complaints: A Report of prohibited conduct becomes a Complaint in one of the following ways:

- i. The Affected Individual may file a written Report Complaint with the University, or a third-party may file a written Report Complaint on his or her behalf. The reporting party written complaint may complete be submitted via a Report complaint form, as provided by the University, or may submit a written statement in his or her own words providing the relevant information; or
 - a. a third-party Complaint is handled as a Report.
- ii. Based on the risk assessment, the applicable University administrator determines that there is enough information available and the circumstances warrant an investigation.

The procedures for investigation, resolution, outcomes, and appeals are outlined in:

C. Complaints Against University Students – see Appendix A: Florida State University Procedures for Complaints of Prohibited Conduct when the Respondent is a Student

D. Complaints Against Employees or Third Parties – see Appendix B: Florida State University Procedures for Complaints of Prohibited Conduct when the Respondent is an Employee or Third Party

AE. Complaints Against FSUS Students – see Appendix C: Florida State University Procedures 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). Complaints of Prohibited Conduct when the Respondent is an FSUS Student

- 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.~~

| Reporting to the University: What Happens After Disclosure | |
|--|--|
| 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. |

| Reporting to the University: What Happens After Disclosure | |
|---|---|
| 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. |
| Incident reported to FSUPD: | 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. |
| Incident reported to a coworker or another student: | As long as there is no employee/student or supervisor/employee relationship, the individual receiving the disclosure may maintain confidentiality. The University encourages the parties to seek resources (Appendix E) and report to the Title IX Director. |

X.IX. General Provisions

~~A. Period/Timeliness of Limitations Reports and Complaints – Effect on Reporting by Affected Parties~~

~~A. Sex Discrimination or Sexual Misconduct/University Response: Prohibited conduct may be reported at any time by an Affected Party, or a Complaint filed, regardless of the length of time between the alleged incident of Sex Discrimination or Sexual Misconduct and the disclosure/reporting of the incident. However, the University strongly encourages individuals who have experienced Sex Discrimination or Sexual Misconduct prohibited conduct to promptly report in order to be informed of report resources and preserve evidence for a potential legal or disciplinary proceeding. Reports occurring over 180 days after Note: The length of time between an incident and the reporting of the alleged offense/prohibited conduct may significantly impair/impact the University's ability to respond.~~

~~B. Privacy/Anonymity in the Investigation and Resolution Processes~~

~~B. : 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, The University is subject to Chapter 119, Florida Statutes, Public Records. Under Section 1012.91, Florida Statutes, some portions of 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.~~

C. Supportive Measures: Upon request by the Affected Individual, Responding Individual, or witnesses, supportive measures are provided under applicable circumstances. Supportive measures are individualized, non-punitive, non-disciplinary, and do not unreasonably burden the other party, but are designed to restore or preserve a person's equal access to education or employment. Supportive measures are available at any stage, even when an investigation is not pending. See Appendix F.

D. Interim Measures for the Responding Party

i. University Student-Accused-:

ia. When a student's alleged actions or behaviors affect prohibited conduct affects the safety, health, or general welfare of the student Affected Individual, other students, and/or the University community, the Vice President of Student Affairs may implement interim measures including, but not limited to: registration and transcript holds, no contact orders, and interim health and safety action prior to the adjudication of a Complaint made pursuant to this Policy. (See Student Code of Conduct – Interim Health and Safety Action for more detailed information.)

ab. 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.)~~

c. When appropriate, the Director of the Department of Student Conduct and Community Standards may implement a registration or transcript hold during the course of the charging, adjudication, sanctioning, and appeal processes. Holds will be used judiciously and are not intended to be punitive.

ii. FSUS Student-Accused: When a FSUS student's alleged actions or behaviors affect prohibited conduct affects the safety, health, or general welfare of the student Affected Individual, 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, representative 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](#)) (See relevant parts of the Faculty Handbook and FSU-UFF Collective

Bargaining Agreement for more information.)

- iv. ~~Staff-Accused~~: When the ~~Assistant~~Associate 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 applicable University, ~~or appropriate official, administrator~~ 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.

~~F.A. Effect of Corollary Criminal Investigation~~

E. Effect of Corollary Criminal Investigation: The University's administrative investigation may be delayed ~~while~~during an ongoing criminal ~~investigation~~ investigation. In the event of such a delay, the University may take interim measures when necessary to protect the ~~Reporting Party~~Complainant and/or the University community. However, the University reserves the right to continue its investigation separately and independently from the criminal investigation, if and as appropriate.

~~Neither the~~The results of a criminal investigation ~~nor the decision of law enforcement may be used to investigate (or decline to investigate) the matter determines~~determine whether prohibited conduct, for the purposes of this Policy, ~~Sex Discrimination or Sexual Misconduct or Student Conduct Code~~, has occurred.

~~F.A. Conflicts of Interest~~

F. Conflicts of Interest: If ~~the~~any Investigator(s) ~~or any member of a Code of Conduct hearing panel or decision-maker~~ believes there is a potential or actual conflict of interest regarding their role in the investigation or adjudication, 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)~~applicable University administrator. Likewise, if a ~~Reporting Party or Responding Party~~Complainant or Respondent believes that a conflict of interest is present regarding ~~the~~any Investigator(s) ~~or any member of a hearing panel, the Reporting Party or Responding Party or decision-maker, they~~ 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 it is determined 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~~

G. : Both the ~~Reporting Party~~Complainant and the ~~Responding Party~~Respondent may have an advisor present to support and ~~assist them~~provide guidance throughout the Report

~~process~~complaint, investigation, and resolution processes (including during related prehearing meetings, during investigative interviews, and during any ~~hearing~~disciplinary proceedings). The term "advisor" means any person chosen by the ~~Reporting Party, Responding Party~~Complainant, Respondent, or any witness to ~~assist~~provide guidance throughout the processes, and participate, as outlined below.

i. University Student Procedures:

- a. An advisor, advocate, or legal representative may participate in any non-disciplinary proceedings such as an investigation meeting, information session, alternative dispute resolution, or other procedural meeting by providing guidance to their student and must take place in a manner that is not disruptive to the meeting.
- b. An advisor, advocate, or legal representative may participate in any disciplinary proceedings or speak on behalf of the Complainant, Respondent, or witness. In disciplinary proceedings falling under the Title IX investigation and/or student Compliance Policy, an advisor, advocate, or legal representative must conduct ~~process, unless the~~ questioning as outlined in that policy.
- c. Identity of an advisor, advocate, or legal representative is required to be reported to the University at least three business days prior to a meeting, proceeding, or hearing.
- d. Advisors, advocates, or legal representatives may not be individuals who serve other roles in the process as outlined in this policy, Student Conduct Code, or the Student Organization Conduct Code (i.e. investigator, hearing administrator, witness, etc.), or if service in ~~this~~an advisory capacity would unreasonably conflict with the fair administration of procedures as determined by the appropriate University official.
- e. The University is not responsible for selecting or compensating an advisor, advocate, or legal representative for any student navigating University processes. If a student does not have access to an advisor for purposes of an investigation, resolution, or disciplinary proceeding, a list of trained University community members is available upon request for the student to utilize if desired. In a case falling under the jurisdiction of the Title IX investigation or Compliance Policy, if a student does not have access to an advisor for purposes of the student conduct ~~process~~procedural standards, the University will provide a University representative to serve as an advisor.
- f. The availability of an advisor, advocate, or legal representative to attend a meeting, proceeding or hearing will not unreasonably interfere with or delay the process. For disciplinary proceedings falling under the jurisdiction of the Title IX Compliance Policy, if a student's advisor does not appear, the University will assign an advisor or delay proceedings as outlined in the Title IX Compliance Policy.
- g. Once a meeting, proceeding, or hearing has been scheduled it will rarely be rescheduled due to later unavailability of an advisor, advocate, or legal representative.

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.

- ~~h. representative from the University's 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. The General Counsel may also be present. The Reporting Party and the Responding Party at any meeting, proceeding, or hearing~~
- ~~i. Employee and Third Party Procedures: A Complainant, Respondent, and witnesses may consult with their respective advisors during meetings and/or during any hearing/interviews, 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, and as applicable in the Title IX Compliance Policy. In addition, the Investigator(s) may disallow the attendance of an advisor if, in their discretion, the advisor's presence would be in conflict with roles or positions they hold, be obstructive to the proceeding, or the advisor's behavior otherwise warrant his or her warrants their removal from the proceeding. The employee or third party individual 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. The Investigator should be notified in advance of an advisor's presence.~~
 - ~~iii. FSUS Student Procedures: Generally, Advisors are not permitted to participate in/ attend An advisor's attendance in the investigation and resolution processes, but an Advisor's attendance - will be considered when appropriate upon request by FSUS administration.~~

~~H. Timing~~

~~;~~ The University will make every reasonable effort to ensure that the a reasonably prompt 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) complaint. This will generally will be completed within 60 class 90 days of (as defined herein) from the launch of the investigation, ~~absent;~~ however based on extenuating circumstances. ~~Throughout the investigation, the Reporting Party and the Responding Party will receive periodic status updates, and notice of any timing, there may~~

~~be limited 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.~~

H. of this time frame for good cause with written notice to the involved parties. Reasons for possible ~~delays~~ extensions in completion of the investigation and ~~outcome~~ resolution include, but are not limited to: a concurrent criminal investigation; timing of the school year (such as during a time period ~~where~~ were classes are not in session); complexity of the case and volume of witnesses; and the willingness of the Reporting Party, Responding Party, Complainant, Respondent, and witnesses to participate in the investigation, and/or conduct hearing; and upon request by either the Complainant or Respondent. Throughout the investigation, the Complainant and the Respondent will receive periodic status updates.

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

I.—Documentation

I. : The University will retain documentation (including but not limited to the initial Report, the written Report, Complaint, 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.i. Records of all student investigations and conduct cases will be maintained in by the applicable offices (e.g., Office of Title IX or Department of Student Rights and Responsibilities in accordance with the Student Code of Conduct, and Community Standards). (See Student Code of Conduct — Records Student Code of Conduct — Records for more information.)

b.ii. Records of all employee or third party conduct cases will be maintained in the Equity, Diversity and Inclusion Office of Equal Opportunity and Compliance in accordance with Florida public records retention.— (See FSU 4-OP-F-3 for more information.)

c.iii. 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

J. : The University considers the reporting and adjudication of Sex Discrimination or Sexual Misconduct prohibited conduct 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, an individual.

Limited immunity is applicable only to University proceedings and is at the University's discretion. ~~Also see the related Medical Amnesty policy:~~
~~<https://dos.fsu.edu/srr/policies/medical-amnesty-policy/>~~.

K. Circumstances for Student Conduct Alternative Resolution Processes: The University considers the ability for the individuals to candidly and fully discuss an allegation/incident/situation to be an essential part of the Alternative Resolution Process. For that reason, the University considers all communication by the individuals and their advisors during the course of an Alternative Resolution Process to be confidential except for a finalized agreement and provided herein. In the event an Alternative Resolution Process is not successful, any admissions or statements made during the process are not admissible in the subsequent Student Conduct Hearing or Proceeding. Previously undisclosed allegations of prohibited conduct, as defined by this Policy, involving the same individuals to the Alternative Resolution Process, will not trigger a mandatory reporting obligation for a Responsible Employee participating in or observing the Alternative Resolution process. Notwithstanding the above, there is no confidentiality attached to any communication:

- i. for which all parties have waived confidentiality in writing;
- ii. that requires a mandatory report pursuant to chapter 39 or 415, Florida Statute, related to abuse of minors or vulnerable adults;
- iii. that constitutes a threat of violence or indicates imminent physical harm to another person; or
- iv. that indicates prohibited conduct involving a different Complainant or Respondent.

L. Training: Individuals conducting University Complaint proceedings will receive annual training on issues relating to prohibited conduct and how to conduct processes that protect the safety of Affected Individuals and promote accountability. See Appendix F.

~~L. Bystander Intervention~~

M. : 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.~~prohibited conduct. For more information on how to become an active bystander. See ~~Appendix F.~~See Appendix G.

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.A. 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.~~

N. Consensual Relationships:

- i. Romantic or sexual relationships in which one party maintains an institutional,

supervisory, or evaluative role over the other party are strictly prohibited.

~~ii.a.~~ Although romantic and sexual relationships between persons of unequal institutional power do not necessarily constitute ~~Sex Discrimination or Sexual Misconduct~~ 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~~ 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~~ sexual misconduct.

ii. Consensual sexual relationships between faculty members and students, and graduate assistants and students, are governed by Article 19 of the FSU-UFF Collective Bargaining Agreement and Article 7 of the FSU-GAU Collective Bargaining Agreement, respectively.

~~O.~~ Individuals with Disabilities

O. : The University will make arrangements to ensure that individuals with disabilities are provided appropriate and reasonable 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/policies-and-procedures/faculty-staff/equal-opportunity-and-compliance-eoc#11>.

—————<https://policies.vpfa.fsu.edu/policies-and-procedures/faculty-staff/equal-opportunity-and-compliance-eoc#11>. 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

Freedom of Expression: 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 expression that falls within the parameters protected by the First Amendment~~ Students — see Appendix A: Florida State University Procedures for Reports of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity Against Students

~~B.P. Reports Against Employees and Third Parties~~ — see Appendix B: Florida State University Procedures for Reports the United States Constitution and FSU-3.003 Freedom of Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity Against Employees and Third Parties Expression Rights and Responsibilities.

- 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.X. 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.~~
(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.~~
(813) 228-2310, (800) 669-4000, TTY (800) 669-6820
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.XI. 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 Campus Sexual Violence Elimination Act of 2013

The Jeanne Clery Act, 20 U.S.C., section 1092(f)

Executive Order 11246

~~Florida Statute ChapterSection~~ 760.10, Florida Civil Rights Act of 1992 ~~Florida Statute ChapterStatutes~~

Section 39.201, Florida Statutes

~~Florida Statute ChaptersSections~~ 119.071, 1000.05 and 1012.91-, Florida Statutes

Section 794.027, Florida Statutes

FSU Regulations FSU-3.004, FSU-3.0041, FSU-4.013001, FSU-4.0015(15), FSU-6.013, and FSU-6.013014

This ~~policy~~ Policy shall be reviewed by the Title IX Director annually for its effectiveness. The Title IX Director/~~Coordinated Community Response Team (“CCRT”) Advisory Committee~~ and other applicable University administrators shall make recommendations, as needed, to the President for any modification or elimination.

APPENDIX A: FLORIDA STATE UNIVERSITY PROCEDURES FOR ~~REPORTS~~COMPLAINTS OF SEXUAL MISCONDUCT, RETALIATION, AND COMPLICITY AGAINST STUDENTS~~PROHIBITED CONDUCT~~ WHEN THE RESPONDENT IS A STUDENT

~~I. Introduction~~

~~I. 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”).~~ **Introduction**
This Appendix identifies the procedures ~~(“Procedures”)~~ FSU follows when it receives a ~~report~~ alleging Prohibited Conduct Report of prohibited conduct by a Student. FSU uses these ~~Procedures~~procedures to investigate and adjudicate any such allegations and to impose disciplinary ~~sanctions against~~outcomes for 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~~ or other prohibited conduct 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~~ within the purview of the Office, or need to be referred elsewhere. If they are, and if the Affected/~~Reporting Party Individual~~ Individual wishes, ~~a private interview~~ an information session will be conducted by the Title IX ~~Director or designee~~ with the Affected/~~Reporting Party~~Office to capture the conduct and the nature of the remedy desired. If the Affected Individual wishes to pursue an investigation, they will be required to submit a written complaint.
- B. Once the initial information is gathered, including the written complaint, 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 receipt of the initial intake written complaint, and ~~may~~ will include a determination of whether a formal investigation is required and/or whether appropriate supportive and/or 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~~ Affected Individual 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 an investigation by the Office of Title IX involve those~~ (including but not limited to) where the Responding ~~Party's Individual's~~ name is not identified or the ~~Reporting Party Affected Individual~~ does not wish to proceed with a formal process.

- E. At the conclusion of the investigation, the ~~investigator~~ Title IX Investigator will prepare a ~~written summation of their findings~~ Written Report and submit it to University's ~~Office~~ Department of Student Rights ~~Conduct and Responsibilities~~ Community Standards.

~~III. Adjudication~~

III. Resolution

The ~~adjudication process~~ available resolution processes for violations of the University's Student Conduct Code may be found at FSU Student Conduct Code. ~~Note that FSU Student Conduct Code, and include an alternative resolution processes which may be used when appropriate and when both parties agree, alternative methods, including but not limited agreed upon. Note that additional procedural standards specific to, Restorative Justice may supplement a student conduct hearing cases falling under the jurisdiction of the Title IX Compliance Policy are included in that policy as well as the Student Conduct Code.~~

~~IV. Sanctions~~

IV. Outcomes

The University will take reasonable steps to end ~~Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity~~ prohibited conduct, as defined by the Policy; 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~~ outcomes 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~~ seriousness of offense (e.g., effect of the misconduct on the University's mission, isolated or repeated offense, deliberate or inadvertent misconduct, etc.);
- ~~Prior~~ 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);
- ~~Consistency of Penalty~~ potential (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~~ effectiveness of a lesser ~~sanction~~ outcome; and
- ~~Other~~ other aggravating and mitigating circumstances. University Student Sanctions.

~~A. Reprimand (written or verbal);~~

~~Service Hours – completion of tasks under the supervision of a University department Student Outcomes~~

~~B. Outcomes are interim action(s) or final status or outside agency; education assignments that alone or in any combination are assigned to a student as an interim health or safety measure or as a final outcome at the conclusion of a resolution process.~~

~~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;~~

A. ~~Conduct~~ Interim Health and Safety Action

Interim actions may be initiated to protect the health or safety of individuals involved in an incident or investigation or in circumstances when a student is alleged to have engaged in conduct that poses a substantial risk to the University community or operations. IHSA's may be issued in conjunction with, or pending the outcome of, an investigative or adjudicative process of the Student Conduct Code, Student Organization Conduct Code, Sex Discrimination and Sexual Misconduct policy, or Title IX Compliance Policy. For cases falling under the jurisdiction of the Title IX Compliance Policy, an interim health and safety action temporarily separating a student from the University or precluding participation in a course or courses must only be assigned when there is an immediate threat to physical health or safety of an individual that arises out of a report or formal complaint, or other aspect of the procedures described in the Title IX Compliance Policy. Other supportive measures and remedies may be instituted as described in the Title IX Compliance Policy.

i. ~~Interim action(s) will be communicated in writing consistent with the notice provisions of this Code.~~

ii. ~~Interim action(s) are temporary measures applied through the duration of an investigation and/or resolution process and do not replace a resolution process as outlined in this Code.~~

iii. ~~A student may request a review of an interim action in writing to the Dean of Students. The scope of the request is limited to whether the interim action(s) should remain in place, based on the information available. The respondent in an IHSA is afforded an opportunity to respond to the allegations or information presented by the University as the basis for the IHSA. The Dean of Students will schedule a review meeting with the requesting student within three business days of receiving the written request. The requesting student may provide information including reports, witness statements, communications, or other documentation in the meeting. When applicable, a complainant may provide information to the Dean of Students for purposes of this review. Interim actions may be affirmed, modified, or lifted as a result of a requested review. The Dean of Students or designee will communicate~~

the final decision in writing within one business day of the review meeting.

- iv. Interim Action(s) may include any actions deemed appropriate to mitigate the threat to health, safety, or welfare of the University community or individuals involved in an incident, ranging from interim suspension to restrictions on participation in university-sponsored programs or activities or presence on campus.

B. Status Outcomes

The outcomes listed below are not intended to serve as an exhaustive list of all outcomes the University may be able to utilize regarding a given student conduct concern.

- i. Reprimand. A notice in writing to the student that the student is violating or has violated University expectations for behavior and that further violations may result in more severe disciplinary action.
- ii. Housing Probation—~~a~~. This status is assigned to a student for a specified period of time during which any further violations of the Student Conduct Code may result in more serious sanctions being imposed. ~~Some of the~~. While on this status, any further violation(s) may result in termination or reassignment of housing. In addition, this status constitutes a disciplinary record that will remain on file with the Student Conduct Authority in a manner consistent with University records retention policies.
- iii. Termination or Reassignment of Housing. Removal or reassignment of an individual in University housing after a specific date and for a specified period of time. If removed, the student may be restricted from entering all University residence halls. This status constitutes a disciplinary record that will remain on file with the Student Conduct Authority in a manner consistent with University records retention policies.

~~F. Disciplinary Probation. This status is assigned to a student for a specified period of time. While on this status, any further violations may result in suspension or expulsion from the University. Other restrictions that may be placed ~~on the~~ upon a student during the probationary period on disciplinary probation 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.iv. 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 facilities or other campus areas of campus, or contact with ~~another~~ any specified ~~person~~ individual(s);). In addition, this status constitutes a disciplinary record that will remain on file with the Office of Rights and Responsibilities in a manner consistent with University records retention policies.~~

~~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;~~

v. Suspension. Separation from the University after a specific date and for a specified period. Through the duration of the suspension period the individual may be restricted from University property and may be required to provide prior notice and receive approval from the Student Conduct Authority for the purpose of conducting University business. Before a student may be readmitted to the University after a designated period of time, that person must meet with the Dean of Students to show satisfactory completion of any assigned directives or to discuss stipulated conditions set for their return to the University. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct and Community Standards indefinitely. The University will withdraw the student from any current courses and cancel any future enrollment. Whether an individual is eligible for a refund upon withdrawal or cancellation is dependent upon the University's refund schedule. Depending on the length of the suspension, a suspended student may be subject to University policies and requirements regarding readmission. If a student is required to apply for readmission, readmission is not guaranteed after a period of suspension is served; and the student is responsible for communicating with the Office of Admissions to identify appropriate process (es) for re-entry at the expiration of the suspension period and when any terms of suspension or other outcomes are satisfied.

vi. Expulsion. Separation from the University without the possibility of readmission. The University will withdraw the student from any current courses and cancel any future enrollment. Whether an individual is eligible for a refund upon withdrawal or cancellation is dependent upon the University's refund schedule. In addition, the individual may be restricted from University property. This status will be noted on the individual's academic transcript and will constitute a disciplinary record that will remain on file with the Office of Student Conduct and Community Standards indefinitely.

vii. Degree Withdrawal or Revocation. A degree may be withdrawn or revoked when a student has graduated and an incident occurred before graduation in the following circumstances:

- a. the student has a pending conduct hearing that was scheduled before or as the student graduated; or

b. at any time after the student has graduated or received a degree, the University becomes aware of an incident involving an alleged violation of this Code that took place before the student graduated or received a degree from the University.

The student will receive the degree once the matter is resolved and any outcomes (when applicable) are completed unless the outcome is expulsion, in which case the degree may be revoked.

C. Education Outcomes

- i. Service Hours. Completion of service under the supervision of a University department or outside agency.
- ii. Discretionary outcomes. Work assignments, essays, presentations, research projects, conduct contracts, or other discretionary assignments.
- iii. Master Education Plan. Develop a master education plan with the aid of the Student Conduct Authority and assigned mentor with continuous evaluation and support for a specified period of time.
- iv. Counseling Assessment. Referral for assessment at University Counseling Center for alcohol/drug concerns, general mental health, or other wellness concerns.

D. Administrative Directive Outcomes

- i. Restitution. Compensation for loss, damage, or injury to University property. This may take the form of appropriate service, monetary, or material replacement.
- ii. No contact directive/extension of existing no contact directive. A no contact directive is an official University directive that serves as notice to an individual that they must not have physical contact with or proximity to, or direct verbal, electronic, written, and/or indirect communication intentionally made through another individual for a specified period of time. This may be a new directive, extension of an existing directive, or include altered or additional parameters or instructions to an existing directive. No contact directives may only be removed prior to the specified period of time at the discretion of the Student Conduct Authority and at the written request of all involved individuals.
- iii. Loss of privilege. Denial of any specified privilege for a specified period of time. Examples include, but are not limited to: guest privileges, restriction from a University event or program, or restriction from an area or building.
- iv. Parental notification. Notification may be sent to parents or guardians of a student who is under 18 years of age, or financially dependent on their parents or guardians, depending on the circumstances surrounding the incident. Parents or guardians may also be notified of alcohol and other Drug incidents for students under 21 years of age, regardless of financial dependency or resulting outcome.
- v. Behavioral Plan. This is a directive to the student from the Student Conduct Authority and/or in consultation with another appropriate office (including, but not limited to Housing, Title IX, etc.) which outlines expected behaviors to aid in a student's success.

E. Alternative Resolution Agreement Outcomes

- i. Any individual or combination of outcomes listed in the education outcomes section of this policy.
- ii. Administrative directive outcomes including, but limited to restitution, no contact directive or extension of existing no contact directive, loss of privilege and behavior plan as defined in the administrative directives outcomes section of this policy.
- iii. Voluntary time away from the University for a specified period of time.

~~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. A 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](#) ~~FSU Student Conduct Code.~~

APPENDIX B: FLORIDA STATE UNIVERSITY PROCEDURES FOR REPORTS/COMPLAINTS OF SEXUAL MISCONDUCT, RETALIATION, AND COMPLICITY AGAINST EMPLOYEES AND PROHIBITED CONDUCT WHEN THE RESPONDENT IS AN EMPLOYEE OR THIRD PARTIES/PARTY

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~~ Report of prohibited conduct by employees or third parties. FSU uses these ~~Procedures~~ 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

II. Investigation Procedures

~~See the University’s Equal Opportunity, Non Discrimination, and Retaliation Policy. Note that additional procedural standards specific to cases falling under the jurisdiction of the Title IX Compliance Policy are included in that policy.~~

III. Sanctions

The University will take reasonable steps to address acts of ~~Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity~~ prohibited conduct; 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~~ 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~~ 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~~ prior misconduct (e.g., disciplinary record, similarity of past offenses to current misconduct);
- ~~Erosion~~ 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);
- ~~• 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/COMPLAINTS OF SEXUAL MISCONDUCT, RETALIATION, AND COMPLICITY AGAINST PROHIBITED CONDUCT WHEN THE RESPONDENT IS AN FSUS STUDENT/STUDENT

I. Introduction

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~~ Report alleging ~~Prohibited Conduct~~ prohibited conduct by an FSUS Student. FSUS uses these ~~Procedures~~ 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

II. INVESTIGATION PROCEDURES

Upon submission of a report of ~~sexual misconduct~~ prohibited conduct (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 ~~C~~ 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~~ Affected Individual and Responding ~~Party~~ Individual.

- D. The investigation may include, but is not limited to contacting DCF and ~~FSUPD~~ FSU Police Department, 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~~ The FSUS Deputy Title IX Coordinator, may refer the ~~Reporting Party~~ Affected Individual 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~~ Individual's name is not identified or the ~~Reporting Party~~ Affected Individual 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~~ Written Report and will render its determination as to whether a violation occurred.
- G. A final written determination will be sent to the ~~Reporting Party~~ Affected Individual and Responding ~~Party~~ Individual, 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~~ Individual, applicable procedures under the FSUS Code of Student Conduct and other applicable policies will be followed.

III. Sanctions

~~III. SANCTIONS~~

FSUS will take reasonable steps to end ~~Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity~~ prohibited conduct; 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~~ seriousness of offense (e.g., effect of the misconduct on ~~Florida State University Schools'~~ FSUS's mission, isolated or repeated offense, deliberate or inadvertent misconduct, etc.);

- ~~Prior~~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);~~
- consistency of penalty (e.g., is the disciplinary action consistent with treatment of similar misconduct in other cases);
- ~~Notice~~notice regarding ~~Conduct~~conduct (e.g., is any non-disciplinary counseling documented, trainings attendant, memoranda of expectations provided to individual about conduct);
- ~~Potential~~potential for rehabilitation (e.g., self-disclosure prior to investigation, seeking assistance with problem);
- ~~Effectiveness~~effectiveness of a lesser sanction; and
- ~~Other~~other aggravating and mitigating circumstances. ~~Florida State University Schools~~FSUS 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~~FSUS 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~~FSUS's and/or ~~Florida State University~~FSU 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~~ FSUS. Some of the restrictions that may be placed on the student during the probationary period include,
- ~~J.~~ 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~~ FSUS 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~~ FSUS 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.~~
- 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 FSUS.
- 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/Individual: ~~An individual who discloses that they have experienced sex discrimination and/or sexual misconduct prohibited conduct, or an individual who is reported by another person to have experienced sex discrimination and/or sexual misconduct prohibited conduct. An Affected Party's/Individual's status changes to Reporting Party/Complainant once they have reported the discrimination or misconduct to made a Responsible Employee or the Title IX Director or designee/Complainant.~~

Anonymous Report: ~~Any report of sex discrimination or sexual misconduct prohibited conduct made by an individual or individuals whose name(s) is/are withheld or unknown at the time the report is made.~~ Report is made. The University is limited in what action can be taken or remedies sought if a report remains anonymous.

Anonymous Participation in Investigation/Resolution Process: During an investigation, an individual may be granted permission to be anonymous based on the nature of the alleged circumstances. Note: most interpersonal circumstances do not lend themselves to anonymity. The University is limited in what action can be taken or remedies sought if parties do not wish to participate in order to remain anonymous.

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.~~

Day: Any weekday (Monday through Friday) in which the University is in operation. This includes days when the University is in operation, but classes are not in session.

Confidentiality vs. Privacy: ~~Confidentiality means that information regarding Sex Discrimination or Sexual Misconduct prohibited conduct 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 prohibited conduct 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 No Action, see section VIII(CA) 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/Report of Sex Discrimination or Sexual Misconduct prohibited conduct 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 **Employee:** Anyone in pay status, regardless 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 whether full-time, part-time, or by email at amwagner@fsu.edu. She is available from 8:00 a.m. to 5:00 p.m. Monday through Friday.~~

~~ii. **Athletics: Vanessa Fuchs.** Vanessa Fuchs’s office is located at D4200 University Center. She may be contacted by phone at 850-644-4933 or by email at vfuchs@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. 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 temporary, including, but are not limited to: threats, name-calling, put-downs, isolation, withholding of money, physical harm, and sexual assault.~~

~~i. 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, administration, faculty, adjuncts, graduate assistants, student employees, coaches, and 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. These expressions can include traditionally masculine or feminine clothing items, haircuts, or other grooming choices on a person of any gender or sex, including individuals who express themselves identify 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. Gender is a social construct most closely related to and often dictated by biological sex (chromosomes, hormones, and sex organs), but not all individuals align with the sex characteristics they were born with.

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/Decision Letter: Detailed summary of the investigation and findings of whether this Policy (or Student Code of Conduct) 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)).~~

Reasonable Person: A hypothetical person with an ordinary degree of reason, prudence, care, foresight, or intelligence whose conduct, conclusion, or expectation in relation to a particular circumstance or fact is used as an objective standard by which to measure or determine something.

~~**Report:** A formal written statement alleging sexual misconduct and/or sex discrimination document reporting prohibited conduct to the applicable University administrator. The Report may be written by a Reporting Party/Affected Individual, 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/Responding Individual:** An individual who is named in a disclose as being responsible for the prohibited conduct experienced by an Affected Individual. A Responding Individual's status changes to Respondent once a formal complaint has been made.~~

~~**Respondent:** An individual who has been accused/named in a formal complaint as being responsible for prohibited conduct.~~

~~**Student (FSU):** The term "student" applies to any individual meeting one or more of violating this Policy/the criteria below. The term applies to all campuses, sites, locations and delivery methods of credit-bearing course offerings.~~

~~**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:** Admitted. 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/, regardless of 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 work environment; or (ii) denies, interferes with, or limits a student's ability to participate in or benefit from educational 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 career, who is admitted to the University and is present on campus for the purpose of being enrolled participating in any University program, course, or program, activity leading toward to enrollment, including Orientation but not limited to orientation, graduate student orientation, teaching assistant orientation, or workshops.~~

~~• Enrolled. Enrolled in any credit-bearing course or program offered by FSU at the time any alleged violation(s) occurred.~~

~~• Active student. 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 in order to complete the course or program in which the student was enrolled. In cases of dual enrollment, jurisdiction over a student's "Active" status is determined by academic policy and is enforced by the Registrar's Office. This can include periods of non-enrollment during which the student is still eligible to enroll in classes. The~~

term also includes any student who has been issued an Interim Health and Safety Action (IHSA) pending the outcome of a student conduct proceeding.

- Dual enrollment. Any student enrolled in a credit-bearing course on a dual-enrollment basis. Jurisdiction over a dual-enrollment student's conduct will be determined in consultation with appropriate officials at the student's other student's home institution.

Student (FSUS): Any person who is admitted and enrolled in classes through ~~Florida State University~~ FSU 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.

~~Title IX: The University's Title IX Director is Tricia Buchholz. Her office is located at 408 H Westcott, 222 S. Copeland St. She may be contacted by phone at 850-645-2741 or by email at tbuchholz@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:~~

- ~~**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. She is available from 8:00 a.m. to 5:00 p.m. Monday through Friday.~~
- ~~**Athletics: Vanessa Fuchs.** Vanessa Fuchs's office is located at D4200 University Center. She may be contacted by phone at 850-644-4933 or by email at vfuchs@fsu.edu. She is available from 8:00 a.m. to 5:00 p.m. Monday through Friday.~~
- ~~**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. She is available from 7:30 a.m. to 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.

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

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: SUPPORT RESOURCES AND REPORTING OPTIONS ~~AND SUPPORT RESOURCES~~

Making the decision to ~~report Sex Discrimination or Sexual Misconduct~~ Report prohibited conduct 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~~ Individuals of Sexual Violence (Rape/ Sexual Assault/ Sexual Battery), Dating/Domestic Violence, ~~Dating Violence~~ Sexual Exploitation, or Stalking also have the right to pursue criminal charges against the perpetrator. ~~Affected/Reporting Parties~~ Individuals have the right to:

- I.i. ~~Report~~ report the crime to the police;
- II.ii. ~~Get~~ get help from the FSU Victim Advocate Program in reporting the crime to the police or the University;
- III.iii. ~~Decline~~ decline to notify the University or the ~~Police~~ police of the crime; or
- IV.iv. ~~Notify~~ 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 Individuals who have experienced Sexual Violence are encouraged to seek medical attention and an evidence collection exam ~~at Tallahassee Memorial Hospital (SANE Exam)~~ by calling Refuge House at (850) 681-2111. A Refuge House advocate will assess whether the individual will need to go to the emergency room (for an exam, or nearest SANE (to the Refuge House SAFE Center. The SAFE Center is a location where individuals can get a Sexual Assault Nurse Examiner) Exam (SANE) without having to respond to the emergency room. It provides a quiet, private, examination space without the pressures of a hospital environment. For any medical facility) within five emergency, respond to the nearest emergency room.

The Victim Advocate Program can accompany the survivor to a SANE exam, whether in a hospital setting or the SAFE Center 24 hours a day, 7 days of the Sexual Violence. Because physical a week. The exam and any associated medical treatment are free to students.

Physical evidence is extremely important in the prosecution of Sexual Violence, its criminal investigation or disciplinary process as well as in obtaining an order of protection involving sexual violence. It is strongly recommended that Affected/Reporting Parties survivors do not eat, drink, use the restroom, change their clothing, or clean their body prior to evidence collection. However, the Affected/Reporting Party a survivor can still choose to have an exam if these activities have occurred. Affected/Reporting Parties can seek an A survivor has 120 hours from the time of the assault to collect forensic 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~~ For information on medical services at non-Tallahassee locations, please contact RAINN at 1-800-656-4673 or www.rainn.org.

In addition to SANE exams, text messages, records of phone calls, emails, pictures, notes, and gifts can all be pertinent in cases of dating violence, domestic violence, and stalking. Maintaining a journal can also be helpful.

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~~ prohibited. Confidential University Representatives are:

| | | |
|---|---|--|
| FSU Victim Advocate-Program | 850-644-7161; or for nights/weekends: text to 850-644-1234, ask for advocate on call 756-4320 | https://dos.fsu.edu/vap/ https://dsst.fsu.edu/vap/ |
| Confidential, 24-hour, free support services for Affected/Reporting Parties Individuals 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. | | |
| FSU Counseling Center and Psychological Services | 850-644-TALK (8255) | counseling.fsu.edu |
| Confidential, free, mental-health counseling and referrals for FSU students. Hosts survivor support groups. Group therapy is available. | | |
| FSU Employee Assistance Program | 850-644-2288 or toll-free 877-246-4679 | https://eap.fsu.edu/ |
| Confidential, free, mental-health counseling, referrals, and other support services for employees. | | |
| University Health Services | 850-644-6230 | http://uhs.fsu.edu/ |
| Healthcare services for students (including free STI testing and emergency contraception through the Women's Clinic). | | |

Confidential Community Resources

| | | |
|---|--------------|--|
| Refuge House | 850-681-2111 | refugehouse.com |
| 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. | | |
| 211 Big Bend | 211 | www.211bigbend.org |
| Confidential, 24-hour crisis helpline and referral services for the Tallahassee community. | | |

Reporting a Report Disclosure of Sex Discrimination, Sexual Misconduct, Retaliation, or Complicity Prohibited Conduct

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

| | | |
|---|--|---|
| FSU Police Department | 850-644-1234 | police.fsu.edu |
| 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. | | |
| Title IX Director – Tricia Buchholz Title IX Deputy Coordinators: Amber Wagner Vanessa Fuchs Megan Brink | 850-645-2741 850-645-1458 850-644-4933 850-245-3894 | http://knowmore.fsu.edu/title-ix/title-ix-signed-statement/ |
| Oversight of University Title IX compliance (including sex discrimination and sexual misconduct, Report supervision) and information about University policies and Report procedures. | | |
| Dean of Students Department | 850-644-2428 | https://dos.fsu.edu/ |
| Responsible for resolution of sex discrimination, sexual misconduct, and retaliation Reports against students (including sexual violence and sexual harassment Reports). | | |
| Equal Opportunity & Compliance | 850-645-6519 | compliance.hr.fsu.edu |
| 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). | | |
| FSU EthicsPoint Hotline | 855-231-7511 | fsu.ethicspoint.com |
| Anonymous discrimination, sexual misconduct (including sexual harassment & sexual violence), and retaliation reporting hotline. | | |
| REPORT.FSU.EDU | https://report.fsu.edu/ | https://report.fsu.edu |
| This site allows you to share important information regarding incidents or concerning behavior happening in FSU community. | | |

| | | |
|--|--|---|
| FSU Police Department | 850-644-1234 | police.fsu.edu |
| <u>Emergency response, crime reporting (including sexual violence), and investigation of crimes occurring on campus. The University encourages Affected Individuals to simultaneously pursue both a criminal investigation with the police and a University Title IX sexual misconduct Report investigation.</u> | | |
| Title IX Director – Tricia Buchholz Title IX Deputy Coordinators: <u>Amber Wagner</u> <u>Vanessa Fuchs</u> <u>Megan Brink</u> | <u>850-645-2741</u> <u>850-645-1458</u> <u>850-644-4933</u> <u>850-245-3894</u> | https://knowmore.fsu.edu/title-ix/title-ix-signed-statement/ |
| <u>Oversight of University Title IX compliance (including sex discrimination and sexual misconduct, Report supervision) and information about University policies and Report.</u> | | |
| FSU EthicsPoint Hotline | 855-231-7511 | fsu.ethicspoint.com |
| <u>Anonymous discrimination, sexual misconduct (including sexual harassment and sexual violence), and retaliation reporting hotline.</u> | | |

Additional On- and Off-Campus Resources

| | | |
|---|--------------|---|
| <u>Department of Student Support and Transitions</u> | 850-644-2428 | https://dsst.fsu.edu |
|---|--------------|---|

The Department of Student Support and Transitions supports, connects, and empowers all students as they navigate their academic and personal journeys. They welcome students and family members to connect with the Department of Student Support and Transitions if you are experiencing a crisis or just need someone to talk through a problem or experience you are having at FSU.

| | | |
|---|---------------------|--|
| <u>Department of Student Conduct and Community Standards</u> | <u>850-644-5136</u> | <u>https://sccs.fsu.edu/</u> |
|---|---------------------|--|

Responsible for resolution of Reports against students (including prohibited conduct under this Policy).

| | | |
|---|---------------------|--|
| <u>Equity, Diversity & Inclusion</u> | <u>850-645-6519</u> | <u>https://hr.fsu.edu/sections/equity-diversity-inclusion</u> |
|---|---------------------|--|

Responsible for resolution/investigation of sex discrimination, sexual misconduct, and retaliation Reports against faculty, staff, visitors, contractors, and any other non-students.

| | | |
|--------------------------------------|---------------------|--|
| <u>FSUS School Counselors</u> | <u>850-245-3700</u> | <u>https://www.fsus.school/</u> |
|--------------------------------------|---------------------|--|

Dedicated counseling resources for FSUS students.

| | | |
|---|----------------------------|--|
| <u>Tallahassee Police Department</u> | <u>850-891-4200 or 911</u> | <u>http://www.talgov.com/publicsafety/tpd.aspx</u> |
|---|----------------------------|--|

Law enforcement authority for reporting and investigating crimes occurring off campus (in the city of Tallahassee).

| | | |
|--|----------------------------|---|
| <u>Leon County Sheriff's Office</u> | <u>850-922-3300 or 911</u> | <u>leoncountysos.com</u> |
|--|----------------------------|---|

Law enforcement authority for reporting and investigating crimes occurring off campus (in Leon County).

| | | |
|---|---------------------|---|
| <u>Tallahassee Memorial Hospital</u> | <u>850-431-0911</u> | <u>tmh.org</u> |
|---|---------------------|---|

Emergency room services and SANE sexual assault exams for evidence collection (“rape kit”).

| | | |
|---|---|--|
| Tallahassee Police Department Victim Advocacy | 850-891-4432, 850-891-4246 , 850-891-4265 , or 850-891-4742 <u>4200</u> | http://www.tal.gov.com/publicsafety/tpd--citizens.aspx#4 |
| 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). | | |
| Leon County Sheriff's Office Victim Advocate | 850-922 <u>606</u> -3300 | leoncountysoc.com/divisions/criminal-investigations/victim-advocate |
| 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). | | |
| Florida Bar Lawyer Referral Service | 800-342-8011 | floridabar.org |
| Referral service to find legal representation in Florida. | | |
| Lee's Place | 850-841-7733 | http://leesplace.org/ |
| 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. | | |
| Florida Council Against Sexual Violence | 1-888-956-7273 | fcasv.org |
| State-wide information and resources for sexual violence. | | |
| Florida Coalition Against Domestic Violence | 1-800-500-1119 or TDD (800) 621-4202 | www.fcadv.org |
| State-wide information and resources for domestic and dating violence. | | |
| Legal Services of North Florida | 850-385-9007 | www.lsnf.org |
| Provides free legal representation in dating, domestic and sexual violence and stalking cases- for qualified applicants in the Big Bend Area. | | |
| National Domestic Violence Hotline | 1-800-799-7233 or TTY 800-787-3224 | http://www.thehotline.org/help/ |
| 24/7 support, crisis intervention, and referral service for survivors domestic violence. | | |
| RAINN (Rape, Abuse, & Incest National Network) | 1-800-656-4673 | rainn.org |
| Rape recovery support services. | | |
| Center for Global Engagement | 850-644-1702 | cge.fsu.edu |
| Immigration advising and support for international students. | | |
| Allies & Safe Zones | 850-645-0908 | http://sga.fsu.edu/safezone.s.html |
| 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 INTERVENTIONSUPPORT MEASURES

Upon request by the Affected Individual, Responding Individual, or witnesses, supportive measures are provided under applicable circumstances. Supportive measures are individualized, non-punitive, non-disciplinary, and do not unreasonably burden the other party, but are designed to restore or preserve a person’s equal access to education or employment. Supportive measures are available at any stage, even when an investigation is not pending. Supportive measures can include, but are not limited to:

A. Student:

- i. issuing no-contact orders to prevent any contact between the individuals involved, witnesses, and/or third parties;
- ii. changing on-campus housing, to a different on-campus location and providing assistance from University personnel in completing the relocation;
- iii. assisting Affected Individual living off-campus in finding alternative housing;
- iv. changing assigned dining facilities;
- v. changing academic schedules (such as moving the Affected Individual or Responding Individual from one class section to another);
- vi. arranging for a student to withdraw from or take an “Incomplete” in a class without penalty;
- vii. providing academic support services (e.g., tutoring);
- viii. making a referral to emotional and medical support services; or
- ix. other options will be assessed upon request.

B. Employee:

- i. issuing no-contact orders to prevent any contact between the individuals involved, witnesses, and/or third parties;
- ii. changing work schedules;
- iii. changing work location;
- iv. temporarily reassigning work related tasks or other related duties (e.g., grant management, etc.);
- v. reassigning supervision;
- vi. arranging an alternate source for letters of recommendation or references;
- vii. explaining available leave options;
- viii. making a referral to emotional and medical support services; or
- ix. other options will be assessed upon request.

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

APPENDIX G: AFFECTED INDIVIDUAL'S RIGHTS

I. Affected Individual's Rights When the Responding Individual is a Student

Reports of prohibited conduct by a student should be submitted to report.fsu.edu or the Office of Title IX and will be resolved through the procedures in the Student Code of Conduct, as appropriate. Your rights during this process are:

- To be treated with respect and dignity.
- To be informed of available options for resolution.
- To be referred to campus resources and support services, including but not limited to the Victim Advocate Program.
- To be afforded the procedural standards as outlined in the Student Conduct Code.

II. Affected Individual's Rights When the Responding Individual is an Employee

Reports of prohibited conduct by employees are handled by the Equity, Diversity and Inclusion Office in Human Resources (EDI). Reports can be initiated by submitting a detailed verbal or written statement of the incident to report.fsu.edu or to EDI directly. The EDI's formal Complaint form is located at: https://hr.fsu.edu/sites/g/files/upcbnu2186/files/DiscriminationComplaintForm_fill.pdf

Your rights during the EDI Report/Complaint process are:

- To be treated with respect and dignity.
- To be informed of available options for resolution under the EDI's procedures.
- To be referred to campus resources for support measures, including but not limited to the Victim Advocate Program.
- To be accompanied to all meetings by an advisor of your choice.
- To submit a written Complaint, supporting documents, and other relevant evidence.
- To propose witnesses (the EDI 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 EDI 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 Office of General Counsel for a copy of the Investigative Summary of the case, once the case has been closed.

If you have questions about your rights or the complaint process, please contact EDI at 850-645-6519 or EDI@fsu.edu.

III. Affected Individual's Rights When the Responding Individual is an FSUS Student

Reports of prohibited conduct by FSUS students should be submitted to the FSUS 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 referred to 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 Affected Individual is not relevant, unless deemed essential by the hearing body to protect fundamental due process.
- To have a request for an advisor be considered by FSUS administration.

IV. Affected Individual's Rights in Criminal Proceedings

Victim rights in the Florida criminal system are explained in Chapter 960 of the Florida Statutes.

APPENDIX H: RESPONDING INDIVIDUAL'S RIGHTS

I. Student – Responding Individual's Rights

Reports of prohibited conduct by a student should be submitted to report.fsu.edu or the Office of Title IX and will be resolved through the procedures in the Student Conduct Code, as appropriate. Your rights during this process are:

- To be treated with respect and dignity.
- To be informed of the allegations against you.
- To be informed of available options for resolution.
- To be afforded the procedural standards as outlined in the Student Conduct Code.

II. Employee – Responding Individual's Rights

Reports of prohibited conduct by employees are handled by the Equity, Diversity and Inclusion Office in Human Resources (EDI). If a formal complaint of prohibited conduct has been made against you, you have the following rights during the EDI Complaint or resolution process:

- To be treated with respect and dignity.
- To be informed of the existence and nature of the Report/Complaint against you. You will not be given the details of the Complaint until your interview with the EDI.
- To be referred to campus resources and support services.
- To be accompanied to all meetings by an advisor of your choice.
- To receive a prompt, thorough, and impartial investigation of the complaint against you.
- To participate in an interview with the EDI 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 EDI 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 Office of General Counsel for a copy of case related documents (e.g. the Investigative Summary) once the case is closed.

If you have questions about your rights or the complaint process, please contact EDI at 850-645-6519 or EDI@fsu.edu.

III. FSUS Student – Responding Individual's Rights

Reports of prohibited conduct by an FSUS students should be submitted to the FSUS Deputy Title IX Coordinator and will be resolved through the procedures in the Student Code of Conduct, as appropriate. Your rights during this process are:

- 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 referred to campus resources and support services, including, but not limited to school counselors.
- To have a request for an advisor be considered by FSUS administration.

APPENDIX I: TRAINING, EDUCATION, AND PREVENTION PROGRAMS

I. Training

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. 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 Administrators Involved in Implementing the Policy

University Administrators who are involved in implementing this Policy are outlined in Section IV (Oversight of Response Procedures). 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 Equity, Diversity and Inclusion Office or Office of Title IX on Sexual Misconduct and other prohibited conduct. These trainings cover all pertinent information related to non-discrimination and non-retaliation. In-person trainings are tailored to each 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 and other prohibited conduct; University reporting requirements if a Responsible Employee witnesses or learns of sexual misconduct or other prohibited conduct; University reporting and response procedures; and how to effectively respond in various situations. After completing this training, attendees will know the University's expectations regarding workplace behavior related to sexual misconduct and other prohibited conduct, what to do if they are experiencing prohibited conduct, what to expect if they are accused of prohibited conduct, 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, bystander intervention, and prevention education. This training can be requested in person and can also be accessed electronically.

D. University Housing Staff Training

Residence staff receive Responsible Employee training by Equity, Diversity and Inclusion Office and/or the Title IX Office. 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 how to refer students to campus resources.

II. Education and Prevention

All students and employees within our campus community deserve to feel safe and supported. FSU works year-round to provide student and employees with education, tools, and resources to recognize concerning or harmful behaviors and strategies for intervening or to help others get the support they need.

As part of these efforts, FSU provides primary prevention and awareness campaigns for all incoming students and new employees as well as ongoing prevention and awareness campaigns for all students and employees. These programs are comprehensive, intentional, and integrated programs, initiatives, strategies, and campaigns intended to end sexual misconduct and other prohibited conduct (including sexual assault, domestic violence, dating violence, and stalking).

Programs are designed to ensure they are:

- culturally relevant;
- inclusive of diverse communities and identities;
- sustainable, so the programs can continue to benefit our campus community;
- responsive to community needs; and
- informed by research or assessed for value, effectiveness or outcome, so we know they're working and ultimately benefiting you.

Programs also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels, so that they can address actual issues that may influence how or if violence is occurring within FSU's community and how the programs can meet FSU's collective needs.

There are some common themes throughout the programs. All of the programs will reinforce that sexual assault, domestic violence, dating violence, and stalking are unacceptable (and prohibited). Many of these programs will:

- Address how these terms under FSU policy are defined.
- Clarify how the definitions may differ within jurisdictions and that FSU Policy uses expanded definitions (e.g., consent). (It is helpful to know the distinction in case an Affected Individual chooses to pursue the criminal justice process.)
- Discuss safe and positive options for bystander intervention. This is an important part of FSU's prevention philosophy for campus.
- Share information on risk reduction; specifically options that work to decrease perpetration, increase bystander inaction, and the empowerment of Affected Individuals. The goal is to promote safety overall and help the institution address any conditions that might facilitate violence within FSU's community.
- Provide more information about FSU's administrative response processes.

A. Individual Level

I. ~~Bystander Intervention~~: Green Dot

- i. _____: 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~~ may not 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. Trainings are available to faculty, staff, and students.

- ii. Sexual Assault Prevention Modules: All new incoming students are required to complete an online sexual violence prevention educational program called *Sexual Assault Prevention*. *Sexual Assault Prevention* 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. *Sexual Assault Prevention* is administered out of the Center for Health Advocacy and Wellness in University Health Services. The training is mandatory for all first year and new transfer students and is provided at the start of their first semester at FSU.
- iii. Sexual Misconduct – Awareness and Prevention: In addition to the required New Employee Orientation training, an expanded option is available to all employees during their tenure with FSU. This course is for all employees and reviews: FSU's stance on sexual misconduct; the University's applicable policies, including what constitutes sexual misconduct; available reporting options and resources; and mandatory reporting requirements for Responsible Employees. The training is open to employees throughout the year.
- iv. Supervisor – Sexual Misconduct – Awareness and Prevention: This course is geared for supervisors and reviews: FSU's stance on sexual misconduct; the University's applicable policies, including what constitutes sexual misconduct; available reporting options and resources; mandatory reporting requirements for Responsible Employees; and other supervisory prevention and response responsibilities. The training is open to employees throughout the year.
- v. Equal Opportunity and Compliance: In addition to the required New Employee Orientation training, an expanded option is available to all employees during their tenure with FSU. Participants will gain an understanding of anti-discrimination law including what is a protected group, what aspects of employment are protected, and what constitutes discrimination. Also discussed are: guidelines on how to recognize and avoid discriminatory behaviors at work; case studies relating to discrimination in the employment context; and who to contact on campus for assistance with discrimination issues. The training is open to employees throughout the year.
- vi. FSU Healthy Relationships Toolkit: The FSU Toolkit on Healthy Relationships is a project developed by the Institute for Family Violence Studies within the 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. This program is offered online and open to faculty, staff,

and students.

B. Relationship Level

- i. kNOw More Student Advisory Board (kMSAB): kNOw More Student Advisory Board Conduct is a student advisory board dedicated to creating a culture of peer support, advocacy, and education to end power based personal violence within the FSU community. kMSAB is open to student throughout the year.
- ii. You + Me + We Healthy Relationships Workshop: Professional and student staff at the Center for Health Advocacy and Wellness facilitate an interactive workshop that focuses on college dating culture, creating healthy relationships, establishing consent, and being there to support a friend. The presentation emphasizes the importance of communication and boundaries in all types of relationships. The workshops are open to students throughout the year.
- iii. Rewriting the Norms: Interpersonal Violence Workshop: This workshop delves into the culture that perpetuates power-based personal violence by looking at the history of violence, representations in the media, and experience of survivors. Participants will dialogue on the issue and brainstorm ways that they can contribute to culture change. The workshops are open to students throughout the year.
- iv. Survivor Support Workshops: Provided by the Victim Advocate Program staff, this presentation discusses ways to help someone who has suffered trauma, especially a sexual assault. Options and resources are discussed as well as practical things that can be done by a friend or family member and how individuals can take care of themselves when helping others after a victimization. The workshops are open to faculty, staff, and students throughout the year.
- v. 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 FSU's Counseling and Psychological Services. RENEW provides outreach and presentations on emotional wellness regarding healthy relationships. The workshops are open to students throughout the year.

C. Institutional Level

- i. Coordinated Community Response Team: The Coordinated Community Response Team (CCRT) is a campus based workgroup committed to building upon a trauma informed framework for all members of the FSU community to significantly reduce dating/domestic violence, sexual assault, and stalking. Membership includes University Health Services, Title IX, FSU Police Department, Victim Advocate Program and Office of Student Support and Transition..
- 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 and is open to faculty, staff and students throughout the year.

- 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 open to female faculty, staff and students throughout the year.

D. Community/Society Level

- i. Campus Connection: Campus Connection is an on-going collaboration between Florida Agricultural and Mechanical University, FSU, and Tallahassee Community College centered on action, education, and the continuum of care for the collective student community. Staff and students from all three campuses are a part of the Campus Connection. This program is open to faculty, staff, and students throughout the year.
 - 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. This program is open to faculty, staff, and students throughout the year.
 - iii. Domestic Violence Coordinating Council (DVCC): Domestic Violence Coordinating Council (DVCC) of Tallahassee provides public awareness and educational workshops for the community. FSU regularly attends and participates in the DVCC.
-

APPENDIX J: BYSTANDER INTERVENTION

I. What is Bystander Intervention:

Bystander intervention involves safe and positive options that might be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating/domestic violence, sexual assault, or stalking. Bystander intervention includes:

- recognizing situations of potential harm;
- understanding institutional structures and cultural conditions that facilitate violence;
- overcoming barriers to intervening;
- identifying safe and effective intervention options; and,
- taking action to intervene.

II. 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 may not 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~~ask a ~~your~~ friend or friends of the individual involved to intervene;
 - b. ~~Ask~~ask a bouncer/police officer/front desk staff person to intervene; or,
 - c. ~~Tell~~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~~start a conversation with those involved that is unrelated;
 - b. ~~Spill~~spill a drink or cause a disturbance that interrupts the behavior; or,
 - c. ~~Pretend~~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.
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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. A. 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~~

III. Program Offerings

~~i.—Green Dot~~

~~Green Dot is a offers 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. trainings and overview speech for faculty, staff, and students. 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 academic 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~~

~~i— 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 II: 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 For more information about the role of advisors: on upcoming trainings visit <https://knowmore.fsu.edu/know-more-initiative/green-dot/>~~
- ~~○ 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/forms/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.~~

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.1. 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:~~

~~<http://policies.fsu.edu/sites/g/files/upcbnu486/files/policies/president/FSU%20Policy%202-2.pdf>. The Student Conduct Code is available online at: <https://dos.fsu.edu/srr/conduct-codes/student-conduct-codes>.~~

- ~~● 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.

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:

<http://policies.fsu.edu/sites/g/files/upcbnu486/files/policies/president/FSU%20Policy%202-2.pdf>.

- ~~• 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.