



FSU Policy 2-2

Anti-Sexual Misconduct

Responsible Executive: President Richard McCullough

Approving Official: President Richard McCullough

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I. Introduction

Sexual misconduct is contrary to Florida State University's ("FSU" or "University") mission and vision, the State University System of 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, 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 any protected category, including sex, pregnancy, sexual orientation, gender identity, or gender expression. The University strongly promotes the involvement of everyone, regardless of status with the University, in making FSU a safe and welcoming environment. In order for the University to address situations of sexual misconduct, individuals should promptly report an incident.

II. Policy Statement

This Policy sets forth resources available to all members of the University community, describes prohibited conduct, and establishes procedures for responding to reports of Sexual Misconduct. This Policy operates in conjunction with additional University regulations and policies, including, but not limited to:

- FSU Regulation [6.013](#) Sex Discrimination and Sexual Misconduct
- 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

Authority for scope and applicability of this Policy is delegated to the Title IX Director by the President of Florida State University. 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 to the role or responsibilities of a specific University official may be delegated by the University official to an appropriate designee.

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:

- on University premises;
- at University sponsored programs or activities; and
- off-campus as determined by the following factors (including, but not limited to):
 - the conduct adversely affects or affected the University community; or
 - the conduct endangers or endangered the health or safety of a University affiliate or others.

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. Any identified individual adversely affected by prohibited conduct ("Affected Individual") will be offered information on applicable support resources and resolution processes.

IV. Oversight 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. 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.

Reports of sexual misconduct and other prohibited conduct will be processed as follows:

- A. The Office of Title IX is the internal authority designated by FSU as responsible for responding to Reports of prohibited conduct by students or student organizations. Upon completion of the Office of Title IX's investigation, as applicable, the Department of Student Conduct and Community Standards is the internal authority designated by FSU as responsible for determining, as appropriate, whether to charge and assign outcomes to students accused of 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. 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 designated by FSU as responsible for responding to Reports of prohibited conduct by enrolled FSUS K-12 students.
- D. The Florida State University Police Department ("FSU Police Department" or "FSUPD") is responsible for responding to Reports of crimes within their jurisdiction. In the event of an incident occurring outside the jurisdiction of FSUPD, the law enforcement agency with jurisdiction is responsible for investigating the crime and making any subsequent arrests.
- E. In the event a Responding Individual is unknown or has no University affiliation, the Title IX Director will determine which offices are appropriate to be notified in order to respond to the Report.

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.

V. Prohibited Conduct

This Policy prohibits 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 activities.
 - 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 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:

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.

- 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.

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 sexual

abuse material; or,

- voyeurism, such as, watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person being observed,
- the generation, solicitation, or promotion of altered sexual depiction of an identifiable person without their consent.

Other conduct prohibited by this Policy includes:

- G. Retaliation: Any creation of a hostile environment or adverse action threatened or taken against an individual 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; in good faith and in a reasonable manner oppose conduct that they believe constitutes a violation of this Policy; or make a pregnancy-related reasonable accommodation request. Note: An individual filing a good faith complaint, in and of itself, is not retaliatory.
- H. Complicity: Any action or behavior done with the intent of aiding, facilitating, promoting, or encouraging the commission of an act of 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.

VI. Confidentiality and Reporting Obligations

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 Individual is made aware of support resources and resolution processes. An Affected Individual does not have to pursue a complaint/resolution process in order to receive support resources.

Specific University employees are designated as Confidential University Representatives and can discuss Sexual Misconduct concerns on a confidential basis. All other employees at the University are designated as Responsible Employees and are required to 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 make a Report to University administrators or any law enforcement agency. Confidential University Representatives include the following individuals when providing medical care, guidance, support, and/or counseling when acting in their primary professional responsibility:
 - i. licensed University and medical and mental health providers;
 - ii. designated University paid and unpaid staff working under the supervision of a licensed

- medical or mental health provider;
- iii. University Victim Advocates; and
- iv. designated University paid and unpaid staff working under the supervision of the University Victim Advocate Program.

All other employees are 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”), FSU Police Department, or other campus safety personnel.

See Appendix E for specific names and contact information of confidential University resources.

- B. Situational (Event Based) Confidentiality: The University recognizes that certain environments, such as “Take Back the Night” events, focus groups, and sexual violence prevention activities, may elicit an individual’s personal account of sexual misconduct, and that such an account may be shared during one of these events with a University employee who is not otherwise a Confidential University Representative (i.e., sexual violence prevention and sexual health promotion educators, or a faculty or staff whom in their primary University role is a Responsible Employee).

Such a testimonial, without more, will not be considered notice to the University for purposes of triggering a mandatory report. University personnel at these events will have resources and information on how to make a report and access both on- and off-campus resources for anyone who would like to make a report or seek services. Leaders of these events will use their best efforts to make students aware that disclosures of sexual misconduct made during the event or in connection with the event (including disclosures made to a Responsible Employee during the planning of the event or during a follow-up conversation/debrief after the event has concluded) will not trigger a mandatory report. Any disclosure to an event leader, that is outside of the 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 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 ("DDDH");
 - c. Supervisors. This includes typical supervisor/subordinate relationships and atypical relationships, such as: residence hall coordinators, lab technicians, principal investigators, team leads, athletic coaches, and others who provide daily operational oversight (including facilitating camps and other programmatic or visitor activities); and
 - d. FSU Police Department.

If a Responsible Employee witnesses, becomes aware of, or receives a disclosure of prohibited conduct, they must Report all relevant details about the 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. 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 action against the Responding 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 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 Individual who initially requests confidentiality does not forfeit the right to file a Report at a later date.

VII. How and Where to Report Sexual Misconduct and Other Prohibited Conduct

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](https://report.fsu.edu), report concerning behavior happening in the FSU community.
- B. [EthicsPoint](https://ethics.fsu.edu), the University's 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.

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.

- A. Requests for 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 Affected Individual's name) not be shared with the Responding Individual, or with others, even if this limits the University's ability to address the reported prohibited conduct;
 - ii. the University not investigate the 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
 - iv. no disciplinary action be taken.

A Responsible Employee does not have the authority to grant a request of No Action. If an Affected Individual discloses to a Responsible Employee, who submits a mandatory Report, and subsequently the Affected Individual refuses/fails to engage with the applicable University administrator, this will be treated as a request for No Action.

- i. Evaluation of the Request: The applicable University administrator will evaluate the request for No Action in the context of the University's commitment to providing a safe and non-discriminatory environment. In order to make such a determination, additional information may be gathered regarding the prohibited conduct so they may be weighed against the following factors, including but not limited to:
 - a. the seriousness of the prohibited conduct (including, but not limited to, whether the incident was perpetrated with a weapon or included severe physical injury to the Affected Individual);
 - b. the risk that the Responding Individual will commit additional acts of prohibited conduct, such as:
 - whether the Responding Individual has a history of prior Reports, arrests, or records from a prior school/employer indicating a history of prohibited conduct or a history of violence;
 - whether the Responding Individual threatened further prohibited conduct or threatened violence against the Affected Individual or others; or
 - whether the prohibited conduct was committed by multiple individuals.
 - c. whether the information reveals a pattern of behavior (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group or person;

- d. the potential for an employee to utilize their access to sensitive information in an inappropriate manner;
- e. the Responding Individual's right to receive information about the allegations;
- f. whether the Affected Individual Party is a minor;
- g. the level of fear for their safety as expressed by the Affected Individual;
- h. whether the University possesses other means to obtain relevant information of the prohibited conduct (e.g., security cameras or security personnel, physical evidence);
- i. the level of threat to the Affected Individual or to the University community.

In the event that the Affected Individual is not named/identifiable in a Report, these same factors will be used by the applicable University administrator to conduct a risk assessment to determine the appropriate course of action.

- ii. Determination regarding No Action: If the University determines that it cannot grant No Action, it will inform the Affected Individual prior to starting an investigation or taking any intervening actions. A high priority will continue to be placed on the 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 Individual from retaliation or harm and Victim Advocate Program will work with the Affected Individual to create a safety plan, if warranted, and assist the Affected Individual in accessing other services and interim measures.

It should be noted that when the University honors the request for No Action, the University's ability to investigate and take reasonable action in response to reported prohibited conduct may be limited, because the Responding Individual has a right to know sufficient information regarding the nature of the allegations to respond fully in their own defense (and in most cases this will include the identity of the Affected Individual).

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 Complaint with the University, or a third-party may file a written Complaint on their behalf. The written complaint may be submitted via a complaint form, as provided by the University, or written statement 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
- E. Complaints Against FSUS Students – see Appendix C: Florida State University Procedures for Complaints of Prohibited Conduct when the Respondent is an FSUS Student

IX. General Provisions

- A. Timeliness of Reports and Complaints – Effect on University Response: Prohibited conduct may be reported, or a Complaint filed, regardless of the length of time between an incident and the disclosure/reporting of the incident. However, the University strongly encourages individuals who have experienced prohibited conduct to promptly report in order to be informed of report resources and preserve evidence for a potential legal or disciplinary proceeding. Note: The length of time between an incident and the reporting of the prohibited conduct may significantly impact the University’s ability to respond.
- B. Privacy/Anonymity in the Investigation and Resolution Processes: The University will keep Reports and investigations private to the extent possible under the law but cannot guarantee complete anonymity in all cases. Information will be shared with those who are integral for the University to conduct a comprehensive investigation. All parties involved in an investigation, including witnesses, will be asked to keep information concerning the investigation private. 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. Consistent with Section 39.202, Florida Statutes, the University will maintain the confidentiality of any information that identifies or could reasonably lead to the identification of a minor involved in a report of child abuse, abandonment, or neglect unless disclosure is otherwise required by state or federal law.
- 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
 - i. University Student:
 - a. When a student’s prohibited conduct affects the safety, health, or general welfare of the 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.)

- b. When appropriate, the Title IX Director 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.
 - 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: When a FSUS student's prohibited conduct affects the safety, health, or general welfare of the Affected Individual, other students and/or the FSUS community, the Principal may place the student on administrative leave. (See [FSUS Student Code of Conduct](#))
 - iii. Faculty: When the President or 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](#) for more information.)
 - iv. Staff: When the Associate Vice President of Human Resources 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: When the applicable University 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.
- E. Effect of Corollary Criminal Investigation: The University's administrative investigation may be delayed during an ongoing criminal investigation. In the event of such a delay, the University may take interim measures when necessary to protect the 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.
- The results of a criminal investigation may be used to determine whether prohibited conduct, for the purposes of this Policy or Student Conduct Code, has occurred.
- F. Conflicts of Interest: If any Investigator 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 applicable University administrator. Likewise, if a Complainant or Respondent believes that a conflict of interest is present regarding any Investigator or decision-maker, they must disclose this concern in advance. If 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, the President will appoint another University administrator to perform the Title IX Director's duties under this Policy.

- G. Advisors: Both the Complainant and the Respondent may have an advisor present to support and provide guidance throughout the complaint, investigation, and resolution processes (including during related prehearing meetings, during investigative interviews, and during any disciplinary proceedings). The term "advisor" means any person chosen by the Complainant, Respondent, or any witness to 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 Compliance Policy, an advisor, advocate, or legal representative must conduct 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 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 Compliance Policy, if a student does not have access to an advisor for purposes of the student conduct 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.
- h. A representative from the University's Office of the General Counsel may also be

present at any meeting, proceeding, or hearing

- ii. Employee and Third Party Procedures: A Complainant, Respondent, and witnesses may consult with their respective advisors during meetings and/or during any interviews, 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 warrants their removal from the proceeding. The 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: An advisor's attendance in the investigation and resolution processes will be considered upon request by FSUS administration.
- H. Timing: The University will make every effort to ensure a reasonably prompt investigation and resolution of a complaint. Reasons for possible delays in completion of the investigation and resolution include, but are not limited to: a concurrent criminal investigation; timing of the school year (such as during a time period where classes are not in session); complexity of the case and volume of witnesses; the willingness of the 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.
- I. Documentation: The University will retain documentation (including but not limited to the initial Report, the written 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.
- i. Records of all student investigations and conduct cases will be maintained by the applicable offices (e.g., Office of Title IX or Department of Student Conduct and Community Standards). (See [Student Code of Conduct](#) – Records for more information.)
 - ii. Records of all employee or third party conduct cases will be maintained in the Equal Opportunity Compliance and Engagement Office in accordance with Florida public records retention. (See FSU [4-OP-F-3](#) for more information.)
 - iii. Records of all FSUS student conduct cases will be maintained in FSUS Student Management Information System ("FOCUS").
- J. Limited Immunity: The University considers the reporting and adjudication of prohibited conduct cases 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 an individual. Limited immunity is applicable only to University proceedings and is at the University's discretion.
- K. Circumstances for Student Conduct Restorative 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 Restorative Resolution Process.

For that reason, the University considers all communication by the individuals and their advisors during the course of an Restorative Resolution Process to be confidential except for a finalized agreement and provided herein. In the event an Restorative 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 Restorative 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.
- M. Bystander Intervention: FSU strives to create a community of care and justice where we hold members of our community accountable for their conduct. Bystander intervention is a prevention strategy that encourages all members of the University community to take safe action when they see a situation that might lead to prohibited conduct. For more information on how to become an active bystander. See Appendix G.
- 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.
 - a. Although romantic and sexual relationships between persons of unequal institutional power do not necessarily constitute 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 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 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: 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:

<https://policies.vpfa.fsu.edu/policies-and-procedures/faculty-staff/equal-opportunity-and-compliance-eoc#l1>. 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. **Freedom of Expression:** This Policy is intended to protect against sexual misconduct. It does not regulate the content of expression that falls within the parameters protected by the First Amendment of the United States Constitution and FSU-3.003 Freedom of Expression Rights and Responsibilities.

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
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>
- B. U.S. Equal Employment Opportunity Commission,
Tampa, FL
(813) 228-2310, (800) 669-4000, TTY (800) 669-6820
www.eeoc.gov
- 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/>

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 Jeanne Clery Campus Safety Act, 20 U.S.C., section 1092(f)
Executive Order 11246
Section 760.10, Florida Statutes
Section 39.201, Florida Statutes
Sections 119.071, 1000.05 and 1012.91, Florida Statutes
Section 794.027, Florida Statutes
FSU Regulations FSU-3.003, 3.004, FSU-3.0041, FSU-4.001, FSU-4.0015(15), FSU-6.013, and FSU-6.014

This Policy shall be reviewed by the Title IX Director annually for its effectiveness. The Title IX Director 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 COMPLAINTS OF PROHIBITED CONDUCT WHEN THE RESPONDENT IS A STUDENT

I. Introduction

This Appendix identifies the procedures FSU follows when it receives a Report of prohibited conduct by a Student. FSU uses these procedures to investigate and adjudicate any such allegations and to impose disciplinary 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 sexual misconduct or other prohibited conduct is made to the Title IX Office, the Title IX Director will review the report and determine if the allegations are within the purview of the Office, or need to be referred elsewhere. If they are, and if the Affected Individual wishes, an information session will be conducted by the Title IX 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 days from the date of receipt of the written complaint, and 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 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 Title IX Director may refer the 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 an investigation by the Office of Title IX involve those (including but not limited to) where the Responding Individual's name is not identified or the Affected Individual does not wish to proceed with a formal process.
- E. At the conclusion of the investigation, the Title IX Investigator will prepare a Written Report and submit it to University's Department of Student Conduct and Community Standards.

III. Resolution

The available resolution processes for violations of the University's Student Conduct Code may be found at FSU [Student Conduct Code](#), and include a restorative resolution process which may be used when appropriate and agreed upon. Note that additional procedural standards specific to cases falling under the jurisdiction of the Title IX Compliance Policy are included in that policy as well as the Student Conduct Code.

IV. Outcomes

The University will take reasonable steps to end 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 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 of offense (e.g., effect of the misconduct on the University's mission, isolated or repeated offense, deliberate or inadvertent misconduct, etc.);
- prior misconduct (e.g., disciplinary record, similarity of past offenses to current misconduct);
- consistency of penalty (e.g., is the disciplinary action consistent with treatment of similar misconduct in other cases);
- potential for rehabilitation (e.g., self-disclosure prior to investigation, seeking assistance with problem);
- effectiveness of a lesser outcome; and
- other aggravating and mitigating circumstances. University Student Sanctions.

University Student Outcomes

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

V. Appeals

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

APPENDIX B: FLORIDA STATE UNIVERSITY PROCEDURES FOR COMPLAINTS OF PROHIBITED CONDUCT WHEN THE RESPONDENT IS AN EMPLOYEE OR THIRD PARTY

I. Introduction

This Appendix identifies the procedures FSU follows when it receives a Report of prohibited conduct by employees or third parties. FSU uses these procedures to investigate and adjudicate any such allegations and to impose disciplinary sanctions against employees or third parties found responsible for violating the Policy.

II. Investigation Procedures

See the University's [Equal Opportunity, Non-Discrimination, and Non-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 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 of offense (e.g., effect of the misconduct on the University's mission, isolated or repeated offense, deliberate or inadvertent misconduct, threat or danger to members of the campus community, etc.);
- position at the University (e.g., is the employee a supervisor, does the person occupy a position of trust, does the individual occupy a leadership role);
- prior misconduct (e.g., disciplinary record, similarity of past offenses to current misconduct);
- erosion of confidence (e.g., is there a loss of trust and confidence in a position with duties that require judgment and trust);
- consistency of penalty (e.g., is the disciplinary action consistent with treatment of similar misconduct in other cases);
- notice regarding conduct (e.g., is any non-disciplinary counseling documented, trainings attendant, memoranda of expectations provided to individual about conduct);
- potential for rehabilitation (e.g., self-disclosure prior to investigation, seeking assistance with problem); and
- Other aggravating and mitigating circumstances.

A. Employee Sanctions

- i. Oral Reprimand
- ii. Written Reprimand

iii. Reduction in Pay

iv. Demotion

v. Suspension

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 COMPLAINTS OF PROHIBITED CONDUCT WHEN THE RESPONDENT IS AN FSUS STUDENT

I. Introduction

Florida State University Schools ("FSUS") is committed to providing a safe and nondiscriminatory environment for all members of the school community. This Appendix identifies the procedures FSUS follows when it receives a Report alleging prohibited conduct by an FSUS Student. FSUS uses these procedures to investigate and adjudicate any such allegations and to impose disciplinary sanctions against FSUS students found responsible for violating this Policy.

II. Investigation Procedures

Upon submission of a report of prohibited conduct (as defined by this Policy), involving FSUS students, 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. 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 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 will determine whether an investigation needs to be conducted prior to adjudication through the FSUS Code of Student Conduct process. The FSUS Deputy Title IX Coordinator, in conjunction with FSUS Administration, will take the necessary steps to gather information from the report and meet with involved parties, if needed. Attention will be paid to balancing the need to gather information prior to administrative review without overburdening the Affected Individual and Responding Individual.
- D. The investigation may include but is not limited to contacting DCF and 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 FSUS Deputy Title IX Coordinator, may refer the 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 Individual's name is not identified or the Affected Individual does not wish to proceed with a formal process.
- F. At the conclusion of the investigation, the investigator will prepare a Written Report and will render its determination as to whether a violation occurred.
- G. A final written determination will be sent to the Affected Individual and Responding 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 Individual, applicable procedures under the FSUS Code of Student Conduct and other applicable policies will be followed.

III. Sanctions

FSUS will take reasonable steps to end 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 of offense (e.g., effect of the misconduct on FSUS's mission, isolated or repeated offense, deliberate or inadvertent misconduct, etc.);
 - prior misconduct (e.g., disciplinary record, similarity of past offenses to current misconduct);
 - consistency of penalty (e.g., is the disciplinary action consistent with treatment of similar misconduct in other cases);
 - notice regarding conduct (e.g., is any non-disciplinary counseling documented, trainings attendant, memoranda of expectations provided to individual about conduct);
 - potential for rehabilitation (e.g., self-disclosure prior to investigation, seeking assistance with problem);
 - effectiveness of a lesser sanction; and
 - other aggravating and mitigating circumstances. 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 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 FSUS's and/or 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 FSUS. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to, participation in FSUS or student activities, representation of the FSUS on athletic teams or in other leadership positions, entrance into areas of campus, or contact with another specified person(s).
- K. Suspension - separation from 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 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 FSUS.
- O. Restrictions on contact with specified people.

APPENDIX D: DEFINITIONS

Affected Individual/Complainant: An individual who discloses that they have experienced prohibited conduct, or an individual who is reported by another person to have experienced prohibited conduct. An Affected Individual's status changes to Complainant once they have made a Complaint.

Anonymous Report: Any report of prohibited conduct made by an individual or individuals whose name(s) is/are withheld or unknown at the time the 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.

Complaint: An oral or written request to a designated University official to investigate and make a determination about alleged discrimination.

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 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 prohibited conduct to a non-confidential source (any Responsible Employee) may still request that the University not take any action on the Report. This is referred to as a request for No Action, see section VIII(A) of this Policy. Even when a report is not confidential, the University will make every effort to respect the privacy of all individuals involved in a manner consistent with the need for a thorough review. Privacy means that information about a Report of 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.

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.

Employee: Anyone in pay status, regardless of whether full-time, part-time, or temporary, including, but not limited to, administration, faculty, adjuncts, graduate assistants, student employees, coaches, and staff.

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 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.

Investigative Report/Decision Letter: Detailed summary of the investigation and findings of whether this Policy (or Student Code of Conduct) has been violated.

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.

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 document reporting prohibited conduct to the applicable University administrator. The Report may be written by an Affected Individual, Responsible Employee, or other third-party. An oral report may be reduced to writing by an investigator or other appropriate University official.

Responding Individual/Respondent: 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.

Student (FSU): Any individual meeting one or more of the criteria below. The term applies to all campuses, sites, locations and delivery methods of credit-bearing course offerings.

- Admitted. Any person, regardless of academic career, who is admitted to the University and is present on campus for the purpose of participating in any University program, course, or activity.
- 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 at the University and continues to be associated with the University in order to complete the course or program in which the student was enrolled. "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 home institution.

Student (FSUS): Any person who is admitted and enrolled in classes through 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.

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

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

visitors.

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

APPENDIX E: SUPPORT RESOURCES AND REPORTING OPTIONS

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

- i. report the crime to the police;
- ii. get help from the FSU Victim Advocate Program in reporting the crime to the police or the University;
- iii. decline to notify the University or the police of the crime; or
- iv. notify the University officials of the crime, whether or not they choose to go to the police.

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

Affected Individuals who have experienced Sexual Violence are encouraged to seek medical attention and an evidence collection exam (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 to the Refuge House SAFE Center. The SAFE Center is a location where individuals can get a Sexual Assault Nurse 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 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 a week. The exam and any associated medical treatment are free to students.

Physical evidence is extremely important in a criminal investigation or disciplinary process as well as in obtaining an order of protection involving sexual violence. It is strongly recommended that survivors do not eat, drink, use the restroom, change their clothing, or clean their body prior to evidence collection. However, a survivor can still choose to have an exam if these activities have occurred. A survivor has 120 hours from the time of the assault to collect forensic evidence.

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 prohibited. Confidential University Representatives are:

FSU Victim Advocate Program	850-644-7161; or text to 850-756-4320	https://dsst.fsu.edu/vap
Confidential, 24-hour, free support services for Affected 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 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.		
Counseling and Psychological Services	850-644-TALK (8255)	counseling.fsu.edu
Confidential, free, mental-health counseling and referrals for FSU students. 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).		

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 Disclosure of Prohibited Conduct

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

REPORT.FSU.EDU		https://report.fsu.edu
This site allows you to share important information regarding incidents or concerning behavior happening in the FSU community.		
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 Individuals to simultaneously pursue both a criminal investigation with the police and a University Title IX sexual misconduct Report investigation.		
Title IX Director – Terri Brown 3501 Health and Wellness Center Tallahassee, FL 32306-1340	850-645-2741	https://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.		

Title IX Deputy Coordinators: Cornelius Brownlee, Director, HR, Equal Opportunity Compliance and Engagement Office (EOCE) Tasha Fisher, Associate Athletic Director for Governance and Compliance, Athletics Department Monica Broome, Dir of Exceptional Student Edu – FSU School			850-645-6519 850-644-4933 850-245-3800 850-245-3888
FSU EthicsPoint Hotline	855-231-7511	fsu.ethicspoint.com	
Anonymous discrimination, sexual misconduct (including sexual harassment and sexual violence), and retaliation reporting hotline.			

Additional On- and Off-Campus Resources

Department of Student Support and Transitions	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.		
Department of Student Conduct and Community Standards	850-644-5136	https://sccs.fsu.edu/
Responsible for resolution of Reports against students (including prohibited conduct under this Policy).		
HR – Equal Opportunity Compliance and Engagement Office (EOCE)	850-645-6519	https://hr.fsu.edu/sections/equal-opportunity-compliance-engagement
Responsible for resolution/investigation of sex discrimination, sexual misconduct, and retaliation Reports against faculty, staff, visitors, contractors, and any other non-students.		
FSUS School Counselors	850-245-3700	https://www.fsus.school/
Dedicated counseling resources for FSUS students.		
Tallahassee Police Department	850-891-4200 or 911	https://www.talgov.com/publicsafety/tpd.aspx
Law enforcement authority for reporting and investigating crimes occurring off campus (in the city of Tallahassee).		
Leon County Sheriff’s Office	850-606-3300 or 911	leoncountyso.com
Law enforcement authority for reporting and investigating crimes occurring off campus (in Leon County).		
Tallahassee Memorial Hospital	850-431-1155	tmh.org
Emergency room services and SANE sexual assault exams for evidence collection (“rape kit”).		
Tallahassee Police Department Victim Advocacy	850-891-4200	https://www.talgov.com/publicsafety/tpd-victimadvocacy.aspx
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	850-606-3300	leoncountyso.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	850-561-5844	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.		
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 text "START" to 88788	http://www.thehotline.org/help
24/7 support, crisis intervention, and referral service for survivors of 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.shtml
Support network and resources for lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, pansexual, and two-spirit identified (LGBTQ+) students and employees.		

APPENDIX F: SUPPORT MEASURES

Upon request by the Affected Individual/Complainant, Responding Individual/Respondent, 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/COMPLAINANT'S RIGHTS

I. Affected Individual/Complainant's Rights When the Responding Individual/Respondent 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/Complainant's Rights When the Responding Individual/Respondent is an Employee

Reports of prohibited conduct by employees are handled by the Equal Opportunity Compliance and Engagement Office (EOCE) in Human Resources (EOCE). Reports can be initiated by submitting a detailed verbal or written statement of the incident to report.fsu.edu or to EOCE directly. The EOCE's formal complaint form is located at:

https://hr.fsu.edu/sites/g/files/upcbnu2186/files/DiscriminationComplaintForm_fill.pdf

Your rights during the EOCE Report/Complaint process are:

- To be treated with respect and dignity.
- To be informed of available options for resolution under the EOCE's procedures.
- To be referred to campus resources for support measures, including but not limited to the Employee Assistance Program and 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 EOCE 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 EOCE and review your interview notes.
- To be informed of your case status throughout the process upon request.
- To be notified of the outcome of your case in writing.
- To make a written Public 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 EOCE at 850-645-6519 or hr-eoc@fsu.edu

III. Affected Individual/Complainant's Rights When the Responding Individual/Respondent 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/Complainant'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 Equal Opportunity Compliance and Engagement Office in Human Resources (EOCE). 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 EOCE.
- 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 EOCE 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 EOCE 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 Public 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 hr-eoc@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 Equal Opportunity Compliance and Engagement Office (EOCE) 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 and 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:

- 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. 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. 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 training 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 training 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. Campus Leadership Team: The Campus Leadership Team (CLT) 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, the Office of Title IX, FSU Police Department, Victim Advocate Program, Department of Student Conduct and Community Standards, and the Department 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:

- Direct-** Do something that lets the people involved know that you see what is happening; this can be as simple as a check-in.
 - Hey are you okay?
 - Are you sure this is what you want to do?
 - Are you feeling supported in your relationship?
- Delegate:** If you are unable to do something directly in the situation, think of ways that you can engage help from others.
 - ask a friend or friends of the individual involved to intervene;
 - ask a bouncer/police officer/front desk staff person to intervene; or,
 - tell someone anonymously that you think that a person needs help.
- 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.
 - start a conversation with those involved that is unrelated;
 - spill a drink or cause a disturbance that interrupts the behavior; or,
 - 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.

III. Program Offerings

Green Dot offers bystander trainings and overview speech for faculty, staff, and students throughout the academic year. For more information on upcoming trainings visit

<https://knowmore.fsu.edu/know-more-initiative/green-dot/>