

Florida State University

Rights and Resources for Sexual / Gender-based Violence Survivors

WE listen • WE learn • WE care • WE respond

Sexual misconduct, including sexual harassment, sexual violence (rape, sexual assault, sexual battery, domestic violence, dating violence, and stalking), and all other forms of sex discrimination (including but not limited to gender based hostility/violence and sexual stereotyping), are violations of University policy and contrary to the University's values. If you experience sexual misconduct, FSU wants to assist you. FSU's policies prohibit retaliation for making complaints of sexual misconduct.

You have rights and options. This document is designed to help survivors get support and understand these rights.

Visit knowmore.fsu.edu for more information.



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Emotions are to be expected. Dating violence, domestic violence, sexual assault and stalking are significant and can be traumatizing. Though each person's experience is unique, there is a wide range of emotions that may be felt over the days, weeks, months, and even years following a traumatic experience. These reactions may change over time and it may be helpful to address them with the assistance of a trained counselor or therapist, victim/survivor advocate, or even a trusted friend or family member.

SUPPORT SERVICES

FSU and the local community provide survivor advocacy, medical services, mental health services, counseling services, and assistance with legal matters—free of charge. An online list of support services on and off campus is available at: knowmore.fsu.edu

FSU VICTIM ADVOCATE PROGRAM

Contact VAP at (850) 644-7161 (24-hour hotline) or victims-advocate@fsu.edu (non-emergency).

FSU Victim Advocates provide support to victims of all crimes, including sexual assault, domestic violence, dating violence, and stalking. They are available 24 hours a day, 7 days a week. All Victim Advocate Program services are free, confidential, and available to any student, faculty, or staff member who is the victim of actual or threatened crime, anywhere, at any time (including childhood abuse).

You do not have to file a police report or University complaint to receive support.

A Victim Advocate can help you by:

- Providing 24-hour crisis counseling and emotional support.
- Going with you to the hospital or other medical appointments.
- Explaining your reporting options and what to expect when you file a criminal report or University complaint.
- Accompanying you to file criminal charges with the police.
- Assisting you in filing a complaint with the University.
- Serving as your advisor or support person during any proceedings or meetings you have with the University to address the situation.
- Assisting you in obtaining a protective injunction, or University no-contact order.
- Assisting you with financial aid questions or concerns.
- Arranging temporary lodging for FSU student survivors when an unsafe condition exists.
- Assisting you in requesting academic accommodations (such as course changes), transportation changes, or work accommodations to ensure your safety.
- Assisting in filing for victim compensation.
- Referring you to support services on and off campus.

MEDICAL SERVICES

Survivors of sexual assault are encouraged to seek medical attention and an evidence collection 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.

Completing a SANE exam does not require a survivor to file a police report or report to the University, although we encourage these reports if you feel comfortable doing so.

If an individual is concerned about sexually transmitted infections (STIs) or pregnancy, they should ask the nurse about antibiotics and emergency contraception at the time of the exam (emergency contraception must be given within a few days to be effective). Even if the survivor decides **not** to have a SANE exam, University Health Services can provide confidential STI or pregnancy prevention services. The Victim Advocate Program can assist with getting an appointment.

- **University Health Services:** (850) 644-4567

PRESERVATION OF EVIDENCE

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 of interactions can also be helpful.

COUNSELING

Confidential, free, mental health counseling and referrals are available on campus through:

- **University Counseling Center (for students):** (850) 644-TALK (8255)
- **Employee Assistance Program (for employees):** (850) 644-2288

Other Campus Support:

- **Center for Global Engagement:** (850) 644-1702
 - ♦ Immigration advising and support for international students and employees.
- **Allies and SafeZones:** (850) 645-0908
 - ♦ Support and resources for LGBTQ+ students and employees.

OFF-CAMPUS SUPPORT

- **211–Big Bend:** (dial 211) 24 hours a day, 7 days a week confidential crisis counseling and referral services
- **Refuge House:** (850) 681-2111, 24 hours a day, 7 days a week confidential crisis counseling, referral and advocacy services
- **Tallahassee Police Department Victim Advocate:** (850) 891-4200
- **Leon County Sheriff’s Office Victim Advocate:** (850) 606-3300
- **Florida Council Against Sexual Violence:** (888) 956-7273
- **Florida Coalition Against Domestic Violence:** (800) 500-1119
- **Legal Services of North Florida:** (850) 385-9007

REPORTING OPTIONS

Survivors have the right to file a complaint with the police and with the University. Reports made to the police and reports made to the University are **separate** processes, but survivors can pursue both paths simultaneously.

Deciding whether or not to report sexual misconduct can be a difficult decision. University Victim Advocates are available to help survivors consider reporting options in a confidential setting.

As a survivor, you have the right to:

- Report the incident to the police.
- Get assistance from an FSU Victim Advocate in reporting the incident to the police.
- Decline to notify the police.
- Report the incident to University officials, whether or not you choose to notify the police.

Survivors can receive support services and assistance from the University **even if you do not report the incident to the police!**

The University encourages individuals to choose the reporting option or options that they think are best for them. Survivors may pursue both a criminal investigation with the police and a University sexual misconduct complaint investigation. Different options are available through each process.

CRIMINAL REPORTING *(to law enforcement)*

No matter where a survivor is, they can call 911 to report the incident and the call will be routed to the appropriate law enforcement agency.

- **FSU Police Department** (for incidents that occur on campus): (850) 644-1234 or 911
- **Tallahassee Police Department** (for incidents that occur off campus in Tallahassee): (850) 891-4200; non-emergency (850) 606-5800 or 911
- **Leon County Sheriff** (for incidents in Leon County): (850) 606-3300; non-emergency (850) 606-5800 or 911

If a survivor wishes to pursue criminal action, they should contact the police as soon as possible and preserve any physical evidence.

UNIVERSITY REPORTING (to FSU Administrators)

There are many ways you can make a university report, choose the way that is most comfortable for you. You can make a sexual misconduct and sex discrimination complaint to the University by bringing the matter to the attention of any of the following (verbally or in writing):

- report.fsu.edu
- **Tricia Buchholz, University Title IX Director/Coordinator:** (850) 645-2741; tbuchholz@fsu.edu
- **Amber Wagner, University Deputy Title IX Coordinator (Employees and 3rd Parties):** (850) 645-1458; amwagner@fsu.edu
 - EDI Compliance Investigator & ADA Coordinator, Equity, Diversity, & Inclusion Office
 - compliance.hr.fsu.edu
- **Department of Student Conduct and Community Standards:** (850) 644-5136
- **Equity, Diversity & Inclusion Office:** (850) 645-6519
- **Office of Human Resources:** (850) 644-6034
- **EthicsPoint Hotline (the University's anonymous reporting hotline):** (855) 231-7511
- **A student's school or college dean**
- **An employee's immediate or higher-level supervisor**
- **Florida State University Police Department:** (850) 644-1234

FSU's COMPLAINT PROCESSES

Regardless of to whom the complaint is made, the Title IX Director (or designee) investigates reports against students and the **Department of Student Conduct and Community Standards** adjudicates complaints against students, while the **Equity, Diversity, & Inclusion Office** handles reports against faculty, staff, contractors, and visitors. In the event of an unknown assailants, the University will still provide support resources to the survivor.

- Department of Student Conduct and Community Standards' complaint procedures are found in the Student Code of Conduct at: sccs.fsu.edu or call at (850) 644-5136 for an overview.
- Equity, Diversity and Inclusion Office's complaint procedures are spelled out in the University's [Equal Opportunity, Non-Discrimination, and Non-Retaliation Policy](#) or call the EDI at (850) 645-6519 for an overview.

When the University receives a complaint of sexual misconduct, it will perform a prompt, fair, and impartial investigation using a **preponderance of the information standard**.

If, at the conclusion of the process, the information establishes that it is more likely than not that sexual misconduct/gender-based violence occurred, a violation will be found. Complaint proceedings are conducted by hearing administrators (or applicable Human Resources administrators) who receive annual training. Both the complainant and the respondent have the right to be accompanied to all meetings by an advisor of their choice throughout the process. The complainant and the respondent will receive simultaneous, written notification of the outcome of the process.

OFF-CAMPUS INCIDENTS

Even if sexual violence occurred off campus, FSU's Victim Advocate Program can provide survivors with assistance. If the person who harmed you off campus was a member of the FSU community, you can make a complaint to the University against that individual. Also, if the effects of sexual misconduct/gender-based violence that initially occurred off campus are interfering with your work or educational environment on campus, the University will offer support and assistance upon request.

OUTCOMES

When an investigation establishes that sexual misconduct/gender-based violence has occurred, FSU will take prompt steps to end the misconduct, prevent its recurrence, and correct the effects on the survivors. Disciplinary action will vary based on the severity of the misconduct, but it can include separation from University programs, termination from University employment, or exclusion from campus via a no trespass order.

INTERIM ASSISTANCE AND PROTECTION ORDERS

When the survivor requests assistance, the University will provide reasonably available interim measures after sexual misconduct and/or while a complaint is being reviewed and investigated to protect the safety of the reporting individual, and the campus community, and to prevent retaliation.

- Examples of interim measures include: issuing no contact orders between the individuals involved; making temporary accommodations regarding work locations, residence hall assignments, class or work schedules, or transportation; and providing counseling.
- You do not have to make a police report or a formal University complaint to get reasonably available interim measures, **but you do need to let the University know what you need.** The FSU Victim Advocate Program can help you request these accommodations.

The FSU Victim Advocate Program can help a survivor request interim assistance. Where appropriate, these interim measures may be continued after a determination on the complaint is made.

If a survivor wants to pursue an order of protection (protective order) through the legal system, the FSU Victim Advocate Program can provide information on that process. If an individual violates an order of protection (or comparable protective/restraining order) on campus, the FSU Police Department will assist with enforcement of the order when they are notified of the situation and the existence of the order is established. The Department of Student Conduct and Community Standards will assist with the enforcement of university-issued no contact orders.

CONFIDENTIALITY

If you want to discuss sexual misconduct issues on a completely confidential basis, you should speak with confidential counselors at the following on-campus offices, who can maintain confidentiality (there are some exceptions to confidentiality, e.g., harm to yourself or others, child abuse, elder abuse or abuse of the disabled):

- **The FSU Victim Advocate Program** (for all crime victims): (850) 644-7161
- **University Counseling Center** (for students): (850) 644-TALK (8255)
- **Employee Assistance Program** (for employees): (850) 644-2288

Staff members in those offices are available to help free of charge and are available on an emergency basis. To find a confidential counselor off campus, contact the Refuge House at (850) 681-2111 or 211–Big Bend at 211.

Most University employees, including faculty, supervisors, resident assistants, deans, department chairs, academic advisors, and coaches, are required to report sexual misconduct concerns to University Title IX administrators, **even if the survivor asks them not to.**

- **If you aren't sure whether the person you are talking to can keep your concerns completely confidential, ask them before you discuss your situation with them.**

After consulting with a confidential source, you may decide to take no further action or to make a complaint. **This is your decision.** Because of the confidential nature of the counselor/counselee relationship, seeking advice from a confidential source does not constitute reporting an incident of sexual misconduct or gender-based violence to the University.

FSU makes every reasonable effort to handle inquiries, complaints, and investigations in a manner that protects the privacy of all parties. While the University cannot promise complete anonymity in its handling of sexual misconduct complaints, each situation is resolved as discreetly as possible, with information shared only with those who need to know to adequately investigate and resolve the matter. FSU will prioritize confidentiality of survivors in its record-keeping and will respond to public records request without including identifying information about the survivor, to the extent permitted by law.

In limited circumstances, the University may be able to address your concerns and stop the offending behavior without revealing your identity to the alleged harasser. However, this is not always possible. Individuals accused of sexual misconduct/gender-based violence are provided with the level of detail about the allegations necessary to allow them a fair opportunity to respond. That level of detail varies depending on the circumstances of the incident, but usually includes the identity of the reporting individual.

In its investigation, the University will be respectful, sensitive, and fair to the person who reported the misconduct and the person accused. Nevertheless, FSU has a compelling interest to address allegations of sexual misconduct brought to its attention. As a result, the University reserves the right to take appropriate action, even in cases when the survivor does not want further action.

SURVIVOR RIGHTS WHEN THE ACCUSED IS A STUDENT

Sexual misconduct/gender-based violence complaints against students should be submitted to the Title IX Office for investigation. When complete, the investigatory report will be referred to the Department of Student Conduct and Community Standards for resolution through the procedures in the Student Code of Conduct. Your rights during this process are:

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

SURVIVOR RIGHTS WHEN THE ACCUSED IS AN EMPLOYEE

Sexual Misconduct complaints against employees are handled by the Equity, Diversity & Inclusion in Human Resources (EDI). Complaints can be initiated by submitting a detailed verbal or written statement of the incident to the EDI. The EDI's formal complaint form is located [here](#).

Your rights during the EDI complaint process are:

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

SURVIVOR RIGHTS IN CRIMINAL PROCEEDINGS

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

This document was created by Florida State University's Title IX Office and the Office of Equity, Diversity & Inclusion (EDI)

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SEXUAL VIOLENCE PREVENTION AT FSU
#**know**MORE

AS SEMINOLES...

We respect ourselves and each other;

We do not tolerate power based personal violence;

We hold members of our community accountable;

We define consent as asking the **question** of a **capable** person with adequate **disclosure** and without **coercion**;

We strive for a community of care and justice.

FOR MORE INFORMATION AND RESOURCES REGARDING
POWER-BASED PERSONAL VIOLENCE, VISIT:

knowMORE.FSU.EDU