

College Operating Procedures (COP)



Procedure Title: Sexual Assault and Sexual Harassment
Procedure Number: 01-0108
Originating Department: Office of the President

Specific Authority:

Board Policy 6Hx6:101; 6Hx6:2.03; 6Hx6:2.07
Florida Statute 1001.64(23)
Florida Administrative Code

Procedure Actions: Adopted: 02/04/15; 02/25/16

Purpose Statement: Florida SouthWestern State College is committed to maintaining an educational and work environment in which no member of the College community is excluded from participation in, denied the benefits of, or subjected to discrimination or harassment in any College program or activity on the basis of race, sex, age, color, religion, national origin, ethnicity, pregnancy, disability, sexual orientation, marital status, gender identity, genetic information or veteran's status.

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This procedure is designed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements including Title IX of the educational Amendments of 1972, which prohibits discrimination on the basis of sex in the College's programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment and Florida laws that prohibit discrimination on the basis of sex, sexual orientation and gender identity. The policy applies to College students and employees, including regular and part-time employees, faculty members, student employees, adjuncts, and volunteers. It applies to any allegation of sexual misconduct made by or against a student or an employee of the College or a third party, regardless of where the sexual misconduct occurred, if the conduct giving rise to the Complaint is related to the College's academic, educational, athletic, or extracurricular programs or activities.

Once an incident of dating violence, domestic violence, sexual assault, or stalking has been reported to a Responsible Employee, the report will be governed and investigated in accordance with the sexual misconduct procedures set forth in [Understanding and Reporting Sexual Misconduct](#). This procedure provide for [victim resources](#), reporting options, confidentiality, investigations, notices, support measures, hearing, standards of evidence, outcomes, and appeals. A copy of Understanding and Reporting Sexual Misconduct will be made available on

the College's Web page and will be given to all individuals involved in an allegation of sexual misconduct.

Retaliation against any person for filing, supporting, or providing information in good faith in connection with a complaint of sexual misconduct is strictly prohibited. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also strictly prohibited.

For the purposes of this procedure Consent, Dating Violence, Domestic Violence, Hostile Environment, Retaliation, Stalking, Sexual Assault, Sexual Exploitation, Sexual Harassment, Sexual Misconduct and Material Sexual Misconduct are defined in the attached guide.

Violation of this procedure may result in the imposition of sanctions up to and including termination, dismissal, or expulsion as determined by the appropriate College officials.

The College shall provide to its employees and students ongoing educational, preventative and training programs regarding sexual or gender-based harassment, to promote prevention, identification and awareness of rape, domestic violence, dating violence, sexual assault, and stalking; to encourage reporting of incidents; to encourage bystander intervention; to prevent incidents of sexual or gender based harassment from denying or limiting an individual's ability to participate or benefit from the College's programs; to inform of the College's procedures; to make available timely services for those who have been affected by discrimination; and to provide prompt and equitable methods of response, reporting, investigation and resolution to stop discrimination, to remedy any harm and to prevent a reoccurrence.

The College will offer training and prevention programs for all incoming students and new employees which shall include the College's definition and prohibition of dating violence, domestic violence, retaliation, sexual assault, sexual harassment, and stalking; Florida's definition of the same; prevention and identification of sexual misconduct and material sexual misconduct (including same sex conduct); the definition of consent; strategies and skills for bystander intervention options; warning signs and risk reduction of abusive behavior; confidentiality and reporting options for all members of the college community; response methods; reporting obligations including responsible employees; the college's procedure for sexual misconduct; code of conduct provisions; the effects of trauma; and the prohibitions against retaliation.

Implementers, investigators, and adjudicators will receive annual and specific training relating to the school's grievance procedures; issues related to domestic violence, dating violence, sexual assault and stalking; retaliation; confidentiality requirements; investigation and hearing best practices; risk reduction; identification and response practices.