

6Hx19-1.33 SEXUAL ASSAULT PREVENTION AND RESPONSE MEASURES

The purpose of this Board Rule is to establish Board Policy on measures to prevent and respond to sexual assaults involving students, employees, volunteers, and visitors. In addition to this policy relating to the prevention of sexual assault, the College also maintains a comprehensive policy relating to the prevention and prohibition of educational and workplace harassment (See Board Rule 6Hx19-2.56, *Educational and Workplace Harassment*). All students, employees, volunteers, and visitors shall fully comply with both Board Rules.

I. POLICY STATEMENT

Pasco-Hernando State College (PHSC) is committed to the prevention of acts of sexual assault involving the College community, including students, employees, volunteers, and visitors while at College campuses and centers. Acts of sexual assault on College property or carried out by members of the College community shall not be condoned or tolerated. Any student or employee found in violation of this policy shall be subject to appropriate disciplinary action, which may include dismissal from the College. Every victim of a sexual assault will be treated with care and compassion and will be encouraged to seek medical treatment and counseling. Every victim will also be encouraged to cooperate with local law enforcement authorities in the apprehension and prosecution of the perpetrators of these serious offenses.

II DEFINITIONS

For purposes of this Rule, the following listed terms shall have the meanings indicated:

Sexual Assault

Sexual Assault involves having or attempting to have sexual contact with another individual without Consent. Sexual contact is the intentional touching or penetration of another person's clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast, by another with any part of the body or any object in a sexual manner. Sexual contact also includes causing another person to touch his or her own or another's body in a sexual manner. Sexual Assault includes, without limitation, sexual battery as defined in Section 794.011 of the Florida Statutes ("Oral, anal, or vaginal penetration of another by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any object, without the consent of the other person involved in the act. This term shall not include acts performed for a bona fide medical purpose."). Acts which do not rise to the level of sexual assault may nonetheless constitute prohibited harassment within the meaning of Board Rule

**6Hx19-1.33
Sexual Assault Prevention
and Response Policy**

6Hx19-2.56.

Consent

Intelligent, knowing, and voluntary consent, without coerced submission. A person who is unconscious or physically helpless due to alcohol or drug consumption, or asleep, or mentally incapacitated is generally deemed unable to give consent.

Student

A person who is currently enrolled in a course of study at PHSC.

Disciplinary Action

That action required or permitted to be taken by the College against students in accordance with District Board of Trustees (DBOT) Rules 6Hx19-6.13, *Code of Student conduct and Disciplinary Policy*. Also, that action required or permitted to be taken against employees in accordance with the following District Board of Trustees Rules:

6Hx19-2.23, *Dismissal, Return to Annual Contract – Continuing Contract Personnel*,
6Hx19-2.231, *Suspension or Dismissal of Contract Employees During the Year*
6Hx19-2.24, *Criteria for Suspension or Dismissal of Employees*,
6Hx19- 2.56, *Educational and Workplace Harassment*, and
6Hx19- 2.59, *Disciplinary Action*.

Or any other applicable policy or procedure.

College Official

Any employee of the College, including faculty, staff, and administrative employees, while acting within the scope of his or her employment with the College or while carrying out official College duties.

III. SEXUAL ASSAULT PREVENTION MEASURES

It shall be the policy of the College to take an active role in the prevention of sexual assault occurrences involving students, employees, volunteers, and visitors to the College. The College shall undertake the following preventive measures:

- (a) Conduct awareness programs for students and employees addressing such concerns as the role of drugs and alcohol in sexual assault, personal safety when

6Hx19-1.33
Sexual Assault Prevention
and Response Policy

traveling in unknown areas or after dark, date rape occurrences, the hazards of hitchhiking or riding with strangers, and other specific crime awareness and prevention tips, applicable to both on campus and off campus activities of students and employees.

- (b) Require student organization advisors to incorporate into the organizational activities information and discussions about prevention of sexual assaults and date rape. Special emphasis should be placed on travel safety concerns for those organizations that travel to off campus locations for organization activities.
- (c) Require athletic trainers and coaches to incorporate into the orientation for student athletes information and discussion about the effects of drugs and alcohol on the mind and the body and the relationship between drug and alcohol use and the diminished capacity to protect oneself from sexual assaults.
- (d) Encourage faculty members to incorporate information and discussions about date rape, the potential hazards of alcohol and drug abuse, and personal safety into course curricula where appropriate.
- (e) Conduct awareness and sensitivity programs for employees informing them about how to respond to a report of a sexual assault or threat of an assault. Conduct special informational programs for those College employees who might be called upon to serve as the victim advocate for a student who has reported a sexual assault. Emphasize the need for immediate intervention services for the affected student, as well as the importance of encouraging the student to cooperate with local law enforcement authorities.
- (f) Encourage reporting of suspicious activities or persons on campus for follow-up by campus officials. Establish a central location on each campus specifically designated for reports of sexual assault crimes and/or suspicious activity.
- (g) Request regular drive through patrols by the appropriate local law enforcement agency at the time that the last College class(es) end for the evening and during the late night and early morning hours when the College is officially closed.
- (h) Establish a communication mechanism (i.e., newsletter, bulletin boards, class announcements, text messages, or other College emergency messaging system) with students to inform them of recent reports the College has received about assaults that have occurred either on campus or in areas adjacent to campus.
- (i) Conduct security reviews of the College facilities to ensure that adequate lighting exists in the areas frequented by students and employees during evening hours

**6Hx19-1.33
Sexual Assault Prevention
and Response Policy**

and to ensure that landscaping patterns do not provide hiding places near walkway and/or parking areas.

- (j) As much as possible, schedule evening classes in close proximity to each other and to the parking areas and avoid scattered evening classes in remote buildings.

IV. REPORTING OF SEXUAL ASSAULT ALLEGATIONS TO LAW ENFORCEMENT OFFICIALS

The appropriate local law enforcement authority shall be notified immediately of the allegations made in every report of a sexual assault that meets any one or more of the following criteria items:

- (a) Any sexual assault that is alleged to have occurred on College owned or controlled property, or immediately adjacent to such property, including any assault that originated with an abduction from such property.
- (b) Any sexual assault that is alleged to have occurred at or during a College sponsored activity and which involves any student, employee, volunteer, or visitor of the College as alleged victim or perpetrator.
- (c) Any sexual assault that is alleged to involve an employee or volunteer of the College as the perpetrator.
- (d) Any sexual assault that is alleged to have, or appears to have, a connection to the College operations, activities, facilities, employees, students, volunteers, or visitors such that the incident may pose a continuing danger to the College community.
- (e) Any sexual assault in which the alleged or apparent victim has specifically requested that a College official notify the local law enforcement agency.

In every case of alleged sexual assault that comes to the attention of a College official, that does not meet any one or more of the criteria items set forth above, the College shall assist the apparent victim in obtaining the intervention services described below; however, the College shall not report the allegation to the local law enforcement agency against the stated wishes of the victim.

V. INTERVENTION REFERRAL SERVICES

The College shall offer the following intervention referral services to every person who reports an alleged sexual assault to a College official:

**6Hx19-1.33
Sexual Assault Prevention
and Response Policy**

- (a) A College representative shall contact the victim's advocate office of the local law enforcement agency and shall encourage the apparent victim to speak to a representative of that office and to take advantage of the services provided by that office. In the event that the local law enforcement agency has no victim's advocate office, then the College representative shall contact the victim's assistance agency that is recommended or utilized by the local law enforcement agency.
- (b) The College shall provide the apparent victim with information about local counseling and crisis assistance agencies and shall encourage the apparent victim to take advantage of the services provided by those agencies. The College shall designate a College employee to serve as the victim advocate for the apparent victim. The victim advocate shall be responsible for maintaining regular contact with the apparent victim and shall assist with the coordination of the services to be provided to the apparent victim.
- (c) The College shall encourage the apparent victim to obtain all appropriate medical evaluation and treatment as soon as possible.
- (d) The College shall encourage the apparent victim to report the incident to the local law enforcement agency for criminal investigation and prosecution and shall offer to assist the apparent victim with making contact with the local law enforcement agency.
- (e) If the apparent victim is a student, the College shall assist the student with making class or campus changes, notifying the student's instructors of any special needs of the student, or assisting with the withdrawal of the student from classes, as may be appropriate under the circumstances.
- (f) If the apparent victim is an employee, the College shall assist the employee with processing a leave of absence request, as appropriate.
- (g) In all cases, the College shall treat all of the information received from the apparent victim as strictly confidential and shall make the information available on only a strict need-to-know basis.

VI. EMERGENCY ACTIONS AVAILABLE TO THE PRESIDENT IN CASE OF IMMEDIATE THREAT OF DANGER

The President shall have the authority to take immediate action to suspend a student or an employee accused of a sexual assault and prohibit his or her presence on any College owned or controlled property and at any College sponsored activity, if the President determines that such student or employee poses an immediate threat of danger to the

**6Hx19-1.33
Sexual Assault Prevention
and Response Policy**

College community. In the case of an employee, the suspension may be with or without pay, at the discretion of the President. This action shall be followed by a fact-finding investigation as described below.

VII. DISCIPLINARY INVESTIGATIONS AND SANCTIONS FOR EMPLOYEES

A fact-finding investigation shall be instituted by the College in every case of alleged sexual assault that involves an employee as an alleged perpetrator. At the conclusion of the investigation, the factual findings shall be reported to the President. If the factual findings support a conclusion that the employee committed an act of sexual assault, then the President shall impose an appropriate disciplinary sanction which may include dismissal from the College, pursuant to District Board of Trustees Rules referenced in section II, *Disciplinary Action*, in this Rule.

VIII. DISCIPLINARY INVESTIGATIONS, HEARINGS, AND SANCTIONS FOR STUDENTS

A campus disciplinary board investigation and hearing shall be instituted by the College in every case of sexual assault alleged to have occurred on College owned or controlled property, or at or during a College sponsored activity, involving a student as an alleged perpetrator or involving a student on student sexual assault. Such investigation and disciplinary hearing shall be conducted in accordance with District Board of Trustees Rule 6Hx19-6.13, *Code of Student conduct and Disciplinary Policy*.

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Legal Authority:

General Authority: Florida Statutes: 1001.64; 1001.65; 794

Other References:

Law Implemented: Florida Statutes: 1001.64(1)(2)(4)(5)(18)(23)(43)(44)(46);
1001.65(1)(3)(6)(16)(24); 794.005

Proposer: Timothy L. Beard, President

■President's Cabinet Approval – Non-substantive/Editorial