

CAMPUS SEXUAL VIOLENCE ELIMINATION ACT (CAMPUS SAVE ACT)

George Stone Technical College (GSTC) is committed to maintaining a learning environment that is safe and promotes respect and dignity of students, faculty, and staff. Everyone at GSTC has the responsibility to exercise high ethical principles and standards of conduct.

The Clery Act is a federal law that requires institutions of higher education to provide current and prospective students and employees, the public, and the Department of Education with crime statistics and information about campus crime prevention programs and policies. Among other crimes, the Clery Act requires that colleges and universities report forcible sex offenses including sexual assault and rape. The Clery Act was most recently amended by the Violence Against Women Reauthorization Act of 2013.

This policy addresses student-related concerns of intimate partner and dating violence, stalking, sexual assault, sexual misconduct, and sexual harassment, which are all prohibited on this campus.

This policy, in addition to the ECSD Student Rights and Responsibilities Handbook, governs the conduct of all George Stone Technical College students. This policy is intended to address instances of prohibited conduct while respecting the rights of all involved; to comply with the Title IX, Clery Act, and the Campus Save Act; and to ensure the safety of the campus.

The prohibited conduct refers to incidents that occur on institute's premises, during institute's sponsored activity, or at an off-institute premises when conduct adversely affects the Institute and/or the pursuit of its objectives.

Each student shall be responsible for his/her conduct from the time of application for admission through the actual completion and/or graduation of his/her program or course.

Confidential services are available for students through the School Counselors or the Student Success Counselor. Several off-campus services are also available.

Abuse Hot Line Phone: (800) 962-2873 (Call 24-hours a day)

FavorHouse of Northwest Florida: (850) 434-6600 (Call 24-hours a day)

Reporting Prohibited Conduct

When the College receives knowledge alleging Prohibited Conduct, the College will fully investigate each allegation. Victims are not required to participate in an investigation, but the College will still fulfill its obligation to investigate to the full extent possible.

George Stone Technical College actively encourages individuals to report violations of this policy. Individuals are not required to report the incident to the campus or local police to receive support services.

Reporting options include:

Formal remedies for violations by a student will be handled through the School Administration. If the conduct process finds a violation, it can impose punishment up to and including expulsion.

Informal remedies do not replace formal discipline and can be taken before or during an investigation. Examples include: issuing a no-contact order, asking an administrative authority to speak to the individual to express concerns about a behavior, or a change in schedule. These remedies are available through the School Administration, the Abuse Hotline, or FavorHouse of Northwest Florida.

- To file a complaint for a violation of this policy, contact the Administration.
- To file a criminal report, contact the Escambia County Sheriff's Department.

A police investigation is separate from an investigation that the School Administration or deputy performs. A police investigation may result in prosecution and criminal penalties through the court system.

Definitions

Prohibited conduct refers to student sexual assault and sexual misconduct, sexual harassment, stalking, intimate partner, and dating violence.

Consent is defined as valid sexual permission that is:

1. Freely and actively given
2. In mutually understandable words or actions
3. Consent to one form of sexual activity can never imply consent to other forms of sexual activity
4. Consent is not the lack of resistance; there is no duty to fight off a sexual aggressor
5. Consent can be withdrawn at any time, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions
6. A person shall not knowingly take advantage of another person who is under 18 years of age, mentally defective, under the influence of prescribed medication, alcohol or other chemical drugs, or who is not conscious or awake, and thus is not able to give consent as defined above. Further, a person shall not physically or verbally coerce another person to engage in any form of sexual conduct, to the end that consent as defined above is not given.
7. Any attempted acts of sexual misconduct are also violations of this policy

Intimate Partner Violence encompasses domestic and dating violence, and specifically violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Domestic Violence (Florida Statutes 741.28(1)) defines domestic violence as "any assault, aggravated assault, battery, aggravated battery, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit."

Family or household member means 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 Violence (Florida State Statute 784.046(1)(d)) – means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
3. The frequency and type of interaction between the persons involved in the relationship must have included that persons have been involved over time and on a continuous basis during the course of the relationship.

The website below will help you to determine a healthy dating relationship:

<http://www.loveisrespect.org/dating-basics/>

Recognizing Abusive Behavior

1. Frequent yelling directed at a partner
2. Blaming partner for own faults
3. Name calling
4. Consistently accusing partner of infidelity
5. Kicking, holding, slapping, or scratching
6. Use of verbal/abusive comments
7. Forcible sex

Stalking (Florida Statutes 784.048(2)) defines stalking as "any person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person.

The Department of Education defines "stalking" as:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress

Florida Statute 784.048 defines these terms:

(a) "**Harass**" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.

(b) "**Course of conduct**" means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.

(c) "**Credible threat**" means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

(d) "**Cyberstalk**" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Aggravated Stalking (Florida Statutes 784.048(3)) "aggravated Stalking" is defined as "any person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person, and makes a credible threat with the intent to place that person in reasonable fear of death or bodily injury of the person, or the person's child, sibling, spouse, parent, or dependent, commits the offense of aggravated stalking."

Sexual Assault

Rape and sexual assault are called "**Sexual Battery**" under Florida criminal law, the terms are synonymous and occurs when someone compels a victim to engage in sexual intercourse against the victim's will. It is a violation of state law, and is defined as:

"oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration by another with any other object." The crime also includes circumstances when the victim is mentally incapable of giving consent such as being in a coma or passed out from drug or alcohol use." (see Fl. Stat. Ann. § 794.011)

Sexual assault is any form of sexual activity where consent is not willingly given. It includes anything from touching to penetration. Males and females can be both victims and perpetrators of sexual assault.

As defined by the Department of Education, **sexual assault** is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim,

- **"Rape"** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **"Fondling"** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **"Incest"** is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **"Statutory Rape"** is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

For more information on Florida Laws and on this topic, in general go to:
<https://www.rainn.org/public-policy/legal-resources/florida>

Sexual Harassment

Sexual Harassment is any unwelcome sexual advances, requests for sexual favors, and other written, verbal, non-verbal or physical conduct of a sexual nature when it is made either implicitly or explicitly as a term or condition of an individual's employment or status in a course, program, or activity offered by the College.

If this act is interfering with the individual's work or education performance; creating an objectively intimidating, hostile, or offensive working and/or learning/living environment; or interfering with or limiting one's ability to participate in or benefit from an educational program or activity, this is sexual harassment.

In cases of sexual harassment, if the alleged harasser is asked by the Victim or a third-party to stop his or her behavior and does not, a more serious sanction may be imposed. However, the victim does not have to request the behavior be stopped for the behavior to be considered sexual harassment.

Examples of unwanted behavior that may constitute sexual harassment include, but are not limited to:

- Massaging a person's neck or shoulders
- Touching a person's clothing, hair, or body
- Hugging, kissing, patting, or stroking a person's body
- Making sexual gestures with hands or body movements, touching or rubbing oneself in a sexual manner around, or in the view of another person
- Brushing up against another person
- Tearing, pulling, or yanking a person's clothing
- Sexual flirtation, advances or propositions for sexual activity, or repeatedly asking for a date from a person who has indicated he or she is not interested
- Discussing or talking about sexual fantasies, preferences, or history
- Verbal abuse of a sexual nature

- Suggestive comments and sexually explicit jokes, or turning discussions at work or in academic or living settings to sexual topics when not legitimately related to an academic matter
- Stating, indicating, or implying in any manner that benefits will be gained or lost based in response to sexual advances
- Staring repeatedly at someone; repeatedly watching someone from afar
- Blocking another person's path or otherwise restricting their movements, particularly when in conjunction with other acts or comments
- Invading a person's personal body space, such as standing closer than appropriate
- Looking a person up and down in a suggestive or intimidating manner
- Making sounds such as smacking or licking lips, making kissing sounds, or whistling
- Letters, gifts, or materials of a sexual nature, including but not limited to typed or handwritten notes, email, instant messages, text messages, online postings, etc.

Sexual harassment does not need to be related to sexual or amorous behavior. Behavior based on gender stereotypes or derogatory comments based on sex, gender, gender identity, or sexual orientation may also constitute sexual harassment.

Sexual harassment is any unwelcome behavior of a sexual nature. It can be expressed in a variety of ways.

Please report any violations, issues or concerns to the Escambia County Sheriff's Department: (850) 436-9620 or the George Stone Technical College Administration (850) 941-6200.

Retaliation is a violation of federal law and college regulation. Retaliation is intimidating, threatening, coercing, or taking other negative action against someone because of her or his complaint or participation in a school or federal investigation related to sexual violence or other civil rights concerns. Federal civil rights laws make it illegal to retaliate against an individual for speaking out against possible civil rights problems at school.

Bystander Intervention

We can all help to maintain a community free of harassment, discrimination, and intimidation. The worst thing we can do is remain silent about sexual misconduct. If you've witnessed an incident, you're a bystander. Bystanders can be active in a number of different ways. Whether it's interrupting a potentially risky situation, speaking out against something that doesn't appear right, or providing support to a victim after an incident, we all have a responsibility to each other. Below are a few things that, dependent upon the situation, we can do to help:

- Calling the Escambia County Sheriff's Department immediately when you believe you are witnessing sexual misconduct (850) 436-9620.
- From a position of safety, call out to the harasser to stop.
- Casually introduce yourself to the harasser and allow the victim time to escape, if you can do so safely. If possible, ask others to approach the scene with you so that you outnumber the harasser.
- Note the exact location and appearance of the harasser.
- Take photos if you can.
- Be aware.
- Make detailed notes as soon as you can of what you saw and provide them to the police or the George Stone Administration.
- TAKE ACTION. DO NOT STAND BY AND DO NOTHING – DO SOMETHING!

Other resources:

National Sexual Violence Resource Center –
<http://www.nsvrc.org/projects/engaging-bystanders-sexual-violence-prevention/bystander-intervention-resources>

Men Can Stop Rape -

<http://www.mencanstoprape.org/Theories-that-Shape-Our-Work/bystander-intervention.html>

Step Up! A Bystander Intervention Program - <http://stepupprogram.org/>

Risk Prevention Techniques from RAINN

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network).

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.

- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

Tips for escaping a potentially dangerous situation

1. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
2. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
3. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
4. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
5. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
6. If you or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

What should victims do first?

Anyone can be raped, regardless of gender identity, sexual orientation, race, age, etc. Rape is a traumatic event, and the survivor may experience a wide array of emotions, including fear, shock, confusion, disbelief, embarrassment, shame, guilt, and a tremendous sense of loss. These are all common reactions to what has happened.

Getting Help

The single most important step a victim of sexual assault may take is to tell someone and get help, which could include talking with a family member, friend, partner, advocate, counselor, healthcare provider, or law enforcement officer.

If you have been subjected to sexual violence, domestic violence, sexual assault, and/or stalking:

1. Get to a safe place
2. Report the situation to someone in a position of authority or the police department immediately
3. Preserve all evidence of the offense
4. Request assistance for personal safety
5. Obtain order of protection or a no contact order
6. Take advantage of the services available from George Stone Technical College through the School Administration.
7. Request to speak anonymously with the School Counselor.

An advocate may be contacted immediately after an assault, with or without reporting to the police.

An advocate can provide:

- All the options available to meet the needs of each unique individual, to include reporting or not reporting to the police, participating in a reporting or non-reporting forensic exam, reporting to student conduct, and other resources and services.
- Crisis intervention, to include safety planning and emotional support.
- Education about the traumatic experience and common reactions to victimization.

FAVORHOUSE SEXUAL ASSAULT HOTLINE 850-434-6600

The victim should also try to preserve evidence of the assault especially during the first 96 hours after the assault for possible investigation.

Confidentiality

All complaints of sexual harassment, whether filed informally or formally, shall be processed in a manner to protect the confidentiality of all parties in accordance with the College's policy.

FERPA Protected

This term means that information protected by the Family Educational Rights and Privacy Act (FERPA) will not be released without the student's permission. The outcome of any institutional disciplinary hearing, as a result of an allegation of a sexual offense, must be provided to both the accuser and the accused. Release of this information does not violate FERPA and is required by the Clery Act.

How do I recognize warning signs of abuse?

One of these behaviors alone may or may not indicate a problem, but several or repeated could be cause for real concern.

A person might be experiencing relationship violence if they:

- Talk often about their partner's jealousy or possessiveness
- Express an extreme fear of displeasing their partner
- Endure humiliating language or are made to feel bad about themselves
- Spend less time with friends than usual
- Receive excessive phone calls, texts, emails from their partner

Examples of relationship violence: (none are acceptable in a healthy relationship)

Verbal-insults, name calling, humiliation, threats

Electronic: Pattern of unwanted texting, phone calls, emails, messaging; monitoring social network sites, stealing passwords

Physical: Slapping, shoving, hitting, kicking, biting, strangling

Sexual: Unwanted touch, nonconsensual sex, controlling sexual situations or access to contraception

Financial: Interfering with income or ability to work, controlling finances

Emotional: Intimidation, isolation, threats (including threats of suicide), withholding affection, destroying property, control what you do and who you see in a way that interferes with your work, education, or other activities?

Stalking is also a type of harassment. It can occur inside or outside of a relationship.

What to do if someone is stalking you?

- Don't answer the phone or door if you don't know who it is.
- End all communication with the person who is stalking you. Don't get into arguments or pay attention to them – that's what they want!
- Let family, friends, and your employer know you are being stalked. Show them a picture of the person.
- Talk to an instructor, friend, administrator or counselor who can help you decide how to deal with the situation.
- Write down the times, places, and detailed summaries of each incident. Keep all emails or texts.
- Consider contacting police if stalking persists despite your efforts to end it.
- Consider obtaining a restraining order, but evaluate the pros and cons of doing so. Sometimes it can escalate the violence.
- Change your routine so the stalker is less able to predict your whereabouts.

What if someone is cyber stalking me?

- Do not meet anyone you've met on the internet in person.
- Don't share personal information (name, phone numbers, addresses, etc.) in online public places.
- Consider creating separate email accounts for social networking sites or other sites that require personal logins. (Good way to reduce your spam too!)
- Use filters and blockers to block unwanted emails.
- Send a clear message to a cyber-stalker that you do not want further communication and will contact authorities if messaging continues.
- Save all communications from a cyber-stalker.

Abuse Hot Line

Phone: 800.962.2873 (Call 24-hours a day)

FAVORHOUSE DOMESTIC VIOLENCE HOTLINE 850-434-6600

2001 W Blount St, Pensacola Florida 32501

- FavorHouse offers 24-hour crisis intervention and emergency shelter for domestic and sexual violence victims and their minor children
- Rape exams
- Individual and Group Counseling
- Assistance in filing for victim compensation
- Courtroom advocacy & legal assistance
- Counseling for violence-exposed children

If you are a victim of sexual assault, call...

FAVORHOUSE SEXUAL ASSAULT HOTLINE 850-434-6600

ALL Favorhouse services are provided FREE of charge.