Human Resources
Office of Equal Opportunity & Compliance

Sexual Misconduct Training

Phone: (850) 645-6519

Agenda

• Sexual Harassment Policy
• Complaint Procedures
• Reporting Requirements
• Non-Retaliation Policy
• Sexual Battery Policy

Sexual Violence Prevention

• Sexual Violence Prevention Tips
• Warning Signs of Abusive Relationships
What is Sexual Misconduct?

- Sexual Harassment
- Domestic Violence
- Dating Violence
- Stalking
- Rape

Title IX & Title VII

Title IX of the Education Amendments of 1972
- Prohibits sex discrimination
- Requires gender equity

Title VII of the Civil Rights Act of 1964
- Prohibits sex discrimination in employment

FSU Policies

Title IX Statement
Non-Discrimination Policy
Sexual Harassment Policy
Sexual Battery Policy
Prohibited Conduct
Policy Basics
Definitions

Sexual Harassment Policy

Prohibits:
- Sexual Harassment
- Gender Stereotyping
- Gender-based Animosity
- Sexual Battery/Assault/Rape
- Domestic Violence
- Dating Violence
- Stalking

Who Does the Policy Cover?

Everyone:
- All Employees
  - Faculty & Staff
    - (AEX, A&P, USPS, and OPS)
- Students
- Visitors
- Contractors
Zero Tolerance Policy

FSU has a duty to:

• Investigate
• Eliminate
• Address effects
• Prevent recurrence

Comprehension Check

A fan at an FSU baseball game makes lewd comments and exposes himself to an FSU employee working at the ticket window.

Is this situation covered by the Sexual Harassment Policy?

YES
When Does the Policy Apply?

All programs and activities
  • On campus
  • Off campus (if University sponsored/work-related)
    – Business trips
    – Study abroad
    – Office/department parties
    – Business dinner/lunches

Comprehension Check

If you are out at lunch with co-workers, and everyone is paying their own bill, you can make all the sexual comments you want because you are off the clock and the Sexual Harassment Policy does not apply.

FALSE
Who Handles Complaints?

- EOC
  - Against staff, faculty, visitors, contractors
  - Procedures in Non-Discrimination Policy

- DOS
  - Against students
  - Procedures in Student Code of Conduct

Sexual Harassment Defined

Unwelcome conduct of a sexual nature when . . .

- Submission is made a term or condition of employment;
- Submission is used as the basis for an employment decision; or
- It creates a hostile work environment or unreasonably interferes with participation in university activities.

Forms of Sexual Harassment

Quid Pro Quo (“This for That”)

Demands/pressure for sexual favors in exchange for a benefit or to avoid a negative consequence

Hostile Environment

Unwelcome sexual or gender-based conduct that is severe, frequent, or widespread enough to make a person's work or educational environment intimidating, hostile, or offensive
Comprehension Check

True or false?
Sexual harassment can only be committed by supervisors or managers.

FALSE

Examples

• Uninvited, sexual touching
• Requesting sexual favors in return for good grades, promotion, or continued employment
• Inappropriate display of sexual posters, photos, cartoons, etc.
• Rating co-workers/students based on sexual activity or attractiveness
• Continued unwelcome flirting/requests for dates
More Examples

• Calling someone doll, baby, sugar, hunk, fine, or similar terms
• Obscene gestures, sounds, jokes, practical jokes, emails, texts, leering
• Giving unwelcome sexually suggestive compliments
• Sexual violence

Key Points

1. Unwelcome conduct
2. Gender & sexual orientation neutral
3. Intent is irrelevant
4. Complaining person need not be target
5. Consensual relationships

If You Experience Sexual Misconduct

1. Know your rights
2. Speak up
   - Tell the person directly that the conduct is unwelcome and must stop.
3. Don’t blame yourself
4. Document
5. Don’t delay
Comprehension Check

True or False?

If my sexual comments and advances were intended as a joke and nobody tells me I’m harassing them, it isn’t sexual harassment.

False

If Told You’ve Offended Someone

• Be open-minded
• Thank the person
• Apologize
• Stop the behavior
Sexual Battery Policy
(rape/sexual assaults)

FSU’s Sexual Battery Policy

Coverage
• All employees and students
• Men, women, transgender

Available online at:
http://www.victimadvocate.fsu.edu/Victim-
Resources/Types-of-Victimization/Sexual-Violence/FSU-
Sexual-Battery-Policy

Sexual Battery Defined

“the oral, anal, or vaginal penetration by, or
union with, the sexual organ of another or the
anal or vaginal penetration of another by any
other object” without consent.
(Florida Statutes §794.011(1))
Consent to Sex Defined

Consent = intelligent, knowing, and voluntary

Who Cannot Consent:
- Significantly impaired by drugs/alcohol
- Asleep/unconscious/mentally impaired
- Under 18
- Coerced (bribed, threatened, physically forced)

FSU Victim Advocate Program

- Free assistance for crime victims
- 24 hour, confidential crisis intervention

Criminal Enforcement

- FSU Police Department performs criminal investigations.
- Survivors are encouraged to simultaneously make a complaint to the University regarding the same incident.
- FDLE sexual predator and sexual offender registry.
  - Website: http://offender.fdle.state.fl.us/offender/homepage.do
  - Toll-free #: (888) 357-7332
Reporting Requirements

Non-Retaliation

Discipline

Reporting Obligations

Encouraged reporting
- All incidents

Mandatory Reporting (To EOC/DOS within 2 days)
- Student victim
- Supervisors
- Sexual Battery

Reporting Obligations Cont.

Sexual Violence
Battery/Rape/Assault
- If occurred on or near campus (regardless of victim’s status):
  - Must report to FSUPD
  - Don’t identify victim without permission
- If student or subordinate victim:
  - Must also report to EOC or DOS (Regardless of where occurred)

All Other Sexual Misconduct
- If student or subordinate victim:
  - Must report to EOC or DOS
- Any other victim (co-worker, friend, etc.):
  - Encouraged to report to EOC or DOS
Reporting Continued

“Supervisors” include:

- Coaches
- Academic Advisors
- Deans
- Assistant Directors
- Directors
- Others

Sexual Battery Reporting

1. Support the Victim

2. Notify the FSU Police Department (850-644-1234)
   - Do not identify the victim
   - Required by Clery Act
   - Within 24 hours

Non-Retaliation

Retaliation is prohibited against individuals who:

- Make a complaint
- Help someone report
- Participate in investigations
Who Can be Disciplined?

Anyone who:

- engages in sexual misconduct
- knowingly files a false claim
- retaliates against someone
- fails to comply with mandatory reporting requirements

Disciplinary Action

Up to and including:

- Termination
- Expulsion
- No Trespass Orders

Complaint Process
Where to Make a Complaint

1. **Dean of Students Department**
   (complaints against a student)

2. **Office of Equal Opportunity & Compliance**
   (complaints against an employee, faculty member, or visitor)

3. **FSU Police Department**
   (sexual violence and other crimes)

More Complaint Options

4. Complaints can also be brought to:
   - Your immediate or higher level supervisor
   - Human Resources
   - FSU's Anonymous Reporting Hotline: EthicsPoint
   - The University's Title IX Coordinators

How to Make a Complaint

1. In person/by phone

2. In writing
   - EOC's complaint form: [http://compliance.hr.fsu.edu/forms/DiscriminationComplaintForm.pdf](http://compliance.hr.fsu.edu/forms/DiscriminationComplaintForm.pdf)

3. Anonymously
   - FSU Hotline: [www.fsu.ethicspoint.com](http://www.fsu.ethicspoint.com)
University Response to Complaints

- Formal and Informal Options
- Investigations
- Interim Measures
- Free Support Services

Confidentiality

- “Need to Know” basis ONLY
- Sunshine Law Exemption

Confidential Sources

- FSU Victim Advocates
- Mental health counselors (UCC & EAP)
- Medical Staff at Wellness Center
- Clergy
- Off-campus rape crisis centers, licensed mental health professionals, & clergy
3D’s of Bystander Intervention

✓ Distract
✓ Direct
✓ Delegate

Comprehension Check

Which two offices on campus are responsible for internal investigations of sexual misconduct and discrimination complaints?

a. President & General Counsel
b. Undergraduate Students & Provost
c. Dean of Students & Equal Opportunity and Compliance
d. Undergraduate Studies & Equal Opportunity and Compliance

c. Dean of Students & Equal Opportunity and Compliance
Takeaways

• Know your responsibilities
• Treat your co-workers with respect
• Develop a professional filter
• Monitor your own behavior
• Contact the EOC

Comprehension Check

If I’m not 100% sure if something reported to me would be considered sexual misconduct or discrimination under FSU’s Policies, what should I do?

a. Ignore it because I don’t want to bother anyone.
b. Contact the EOC, the primary course instructor, or my advisor, department chair, or dean for assistance.
c. Fix the situation myself by confronting the person accused of discrimination/misconduct and yelling at them.
d. Tell a friend who also knows the person.

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Thank You!