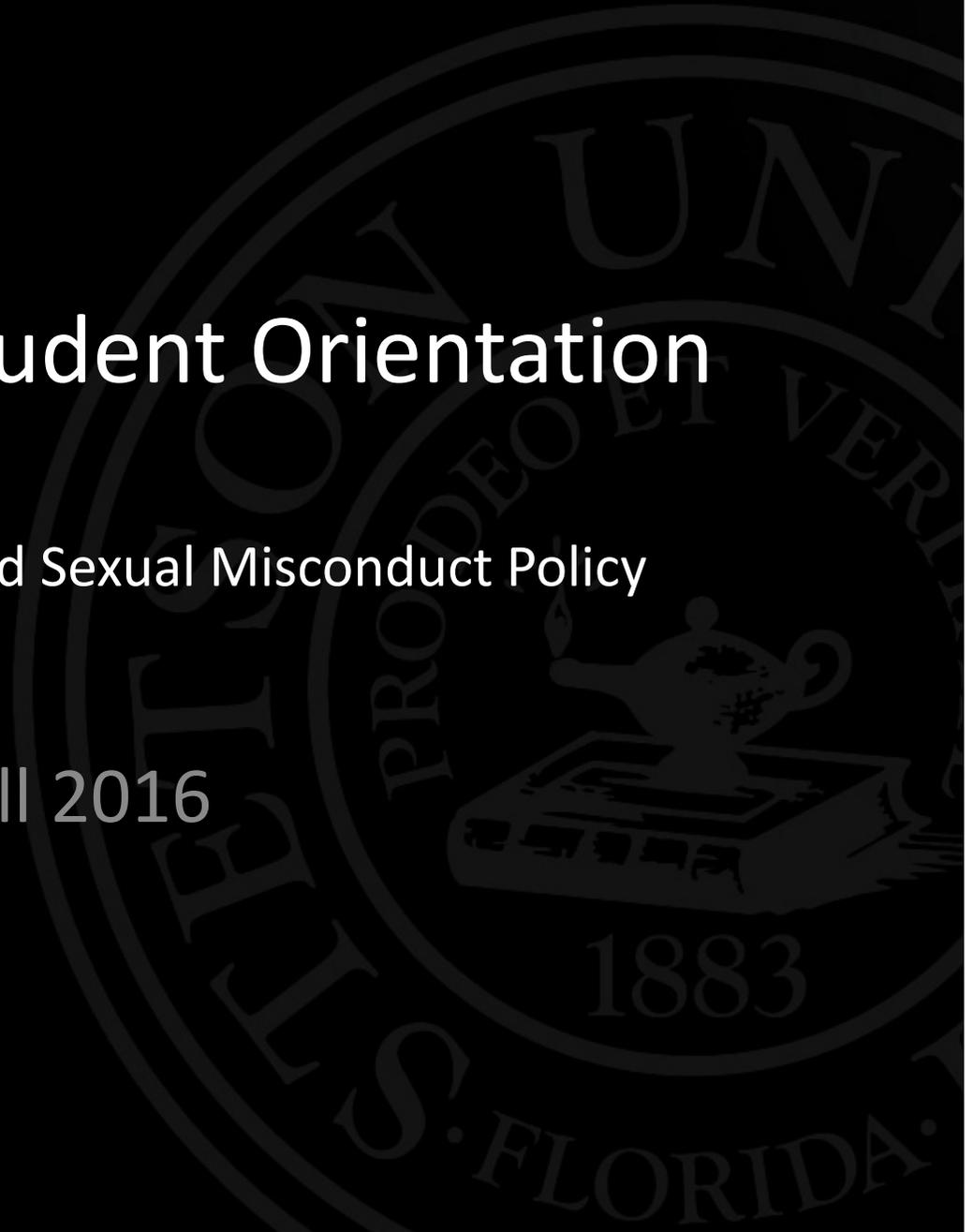


# Graduate Student Orientation

Gender-Based and Sexual Misconduct Policy

Fall 2016



# Why is this important?

- This presentation is designed to share important information with our Graduate Student population as we strive to provide an educational, safe and inclusive environment at Stetson University.
- Information includes:
  - policies specific to gender-based and sexual misconduct discrimination
  - student rights and responsibilities
  - university and community resources

*It is required by law that we share this information with all students.*

# How does this impact me?

- By enrolling in Stetson University, you accept the responsibility to become familiar with University regulations, to comply with the University's authority, to respect the rights and property of others, and to recognize that your actions reflect upon the entire University community.

# Statement of Non-Discrimination

- It is the policy of Stetson University, in accordance with federal and state law, to prohibit unlawful discrimination.
- The University supports a zero tolerance policy against discrimination by any agent or organization of Stetson University for reasons of age, creed, race, ethnicity, national origin, religion, gender, disability, immigration status, marital status, political or social affiliation, sexual orientation, gender identity, and gender expression.

# What's Next?

- On the next few slides are important definitions of behavior as outlined in the Student Code of Community Standards.
- Below is a link to the complete document for your reference:

[www.stetson.edu/community-standards/code-of-community-standards.php](http://www.stetson.edu/community-standards/code-of-community-standards.php)

# University Definitions

- *“Sexual Misconduct”* as defined by this policy comprises a broad range of behavior that includes, but is not limited to, sexual harassment, sexual exploitation, and sexual violence.
- *“Gender-Based Misconduct”* includes discrimination or verbal, non-verbal or physical harassment, violence, or intimidation which is based on the person’s gender but which is not sexual in nature.

# University Definitions

*“Sexual Harassment”* is unwelcome conduct of a sexual nature. Sexual harassment includes any unwelcome sexual advances or requests for sexual favors, whether physical, written, verbal, or visual towards another individual exclusive of gender or sex and encompasses any other conduct of a sexual nature when:

- (i) submitting to such conduct is made either explicitly or implicitly a term or condition of employment, academic decisions, or university-sponsored activities
- (ii) submitting to such conduct is used as the basis for employment or academic decisions affecting the individual as an employee, student, or participant in university-sponsored activities
- (iii) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working or learning environment

# University Definitions

- *“Sexual Violence”* Includes physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall into this category, including but not limited to, acts of non-consensual sexual contact and non-consensual sexual intercourse such as rape, sexual assault, sexual battery, sexual coercion, forcible sodomy, forcible oral copulation, sexual assault with an object, forcible fondling, and threat of sexual assault. All such acts of sexual violence are forms of sexual harassment included under the protections of Title IX of the Educational Amendments of 1972.

# University Definitions

- *“Non-Consensual Sexual Contact”* is the deliberate touching a person’s intimate parts (including genitalia, groin, breast, or buttocks), or clothing covering any of those area(s) without consent, or using force to cause a person to touch his or her own or another person’s intimate parts.
- *“Non-Consensual Sexual Intercourse”* means penetration (anal, oral, or vaginal) by a penis, tongue, finger, or an inanimate object that occurs without consent, however slight the penetration, whether by an acquaintance or by a stranger, that occurs without indication of consent of both individuals, or that occurs under threat or coercion..

# University Definitions

*“Sexual Exploitation”* means taking sexual advantage of another person without consent, including but not limited to: (a) causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person (b) causing the prostitution of another person (c) recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts or buttocks) of another person (d) allowing third parties to observe private sexual act (e) engaging in voyeurism (f) knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.

# University Definitions

*“Consent”* means words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity.

- Consent cannot be gained by force, by ignoring or acting in spite of the objections of another.
- Consent to one form of sexual activity can never imply consent to other forms of sexual activity.
- Consent is not the lack of resistance; there is no duty to fight off a sexual aggressor.
- Consent can be withdrawn at any time, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions.
- A person shall not knowingly take advantage of another person who has an intellectual or physical disability, who is incapacitated by the use of 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.
- In addition, certain states have designated a minimum age under which a person cannot give consent.
- In the state of Florida, the age of consent is 18.

# University Definitions

- *“Incapacitation”* means the physical and/or mental inability to make informed, rational judgments. Where alcohol (or any other drug) is involved, one does not have to be intoxicated or drunk to be considered incapacitated. Incapacitation is determined by how the substance consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. The question is whether the person alleged to have committed a violation knew, or a sober, reasonable person in the position of the person alleged to have committed a violation should have known, that the complainant was incapacitated.
- *“Force”* refers to physical force, violence, threats, intimidation, or coercion.

# University Definitions

- *“Domestic Violence”* includes asserted violent misdemeanor and felony offenses committed by the victim’s current or former spouse, cohabitant, co-parent, or person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
- *“Dating Violence”* refers to violence, including sexual or physical abuse or the threat of such abuse, by a person who has been in a romantic or intimate relationship with the victim. The existence of such a relationship will be gauged by its length and type, frequency of interaction, and the reporting party’s statement of such a relationship.
- *“Stalking”* means a course of conduct directed at a specific person that would cause a reasonable person to fear for their, or others’ safety, or to suffer substantial emotional distress. A course of conduct includes a series of acts over any period of time. Stalking includes harassment and cyberstalking, either of which includes a course of conduct that causes substantial emotional distress to the victim and that serves no legitimate purpose. Stalking includes any credible threat to the victim that causes reasonable fear for the safety of the victim, the victim’s family members, or others closely associated with the victim, regardless of whether the perpetrator actually intends to go through with the threats.

# FL State Statute Definitions

- *“Sexual Battery”* means 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; however, sexual battery does not include an act done for a bona fide medical purpose. (F.S.S. 794.011)
- *“Domestic Violence”* means any assault, aggravated assault, battery, aggravated battery, sexual assault, 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 family or household member. (F.S.S. 741.28)
- *“Dating Violence”* means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. (F.S.S. 784.046)
- *“Stalking”* means willfully, maliciously, and repeatedly following, harassing, or cyberstalking another person. For purposes of clarity, “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. (F.S.S. 784.048)

# Gender Based & Sexual Misconduct Policy

- Applies to allegations against a university student, regardless of where the alleged sexual misconduct occurred.
- Depending on the situation, students may face both criminal and/or civil proceedings. This does not directly impact the university's process and the university still has a responsibility to investigate and remedy, regardless of the status of any criminal and/or civil proceedings.

# Reporting Options

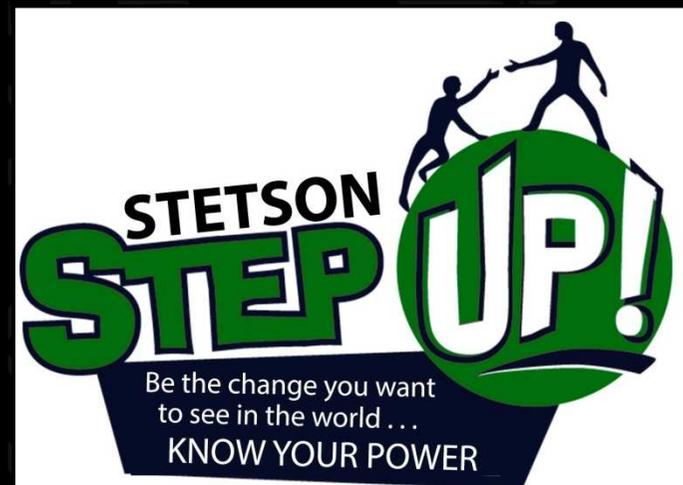
- Confidential reporting options at Stetson:
  - Counseling Center or Stetson Health Service
  - *Please note* that these staff members are able to maintain confidentiality within limits. They are required to violate confidentiality for the following:
    - If there is abuse or endangerment of a minor
    - Threat to harm self or others
    - Court Subpoena

# Formal Reporting Options

- Public Safety is available 24 hours a day, 365 days a year.
  - Local law enforcement may also be notified
  - Complainant chooses if they want make a statement or pursue charges
  - Report then gets forwarded to the Title IX Deputy Coordinator for Students for follow-up
- Report on-line [stetson.edu/reportit](http://stetson.edu/reportit)

# Be an Empowered Bystander

- Many situations of gender based or sexual misconduct are often witnessed by others
- At Stetson, we encourage the “Empowered Bystander” model
  - See something, say something
  - Your safety must come first



# How to Reduce your Risk

- The vast majority of sexual assaults on college campuses involve alcohol & individuals who know each other
- Use the buddy system
- Trust your instincts
- Don't leave drinks unattended
- Think about your online profile safety- what can people find out about you online?
- Be aware of your surroundings
  - Know where blue emergency lights are on campus
  - Avoiding walking campus with headphones on
  - Put Public Safety's number in your phone now: 386-822-7300
- Be part of culture change

# Warning Signs of Abusive Behavior

- Threatens abuse or violence
- Breaks objects
- Use of force during arguments
- Jealousy
- Controlling behavior
- Unrealistic expectations
- Isolation
- Hypersensitivity
- Cruelty to animals or children
- Rigid sex roles
- Mood swings
- Blames you (or someone else) for everything
- Resentful
- Superiority
- Deceitful
- Criticizer

*Don't minimize boundary violations!*

*If something doesn't feel right, say something...reach out for help.*

# Options for Assistance

- If you or someone you know may be the victim of any form of gender-based or sexual misconduct, you are strongly encouraged to seek immediate assistance.
- Your first priority should be to get to a place of safety.
- If it was a physical assault, you should then obtain necessary medical treatment as soon as possible in order to prevent or treat sexually transmitted diseases and screen for the presence of any date rape drugs.
- Undergoing a medical examination is also critical to preserving evidence and is a time-sensitive process. Exams can typically be conducted up to five days from the date of the incident, but you are encouraged to seek assistance as soon as possible to prevent the loss of evidence.

# Resources and References 24/7

- Stetson University Public Safety: (386) 822-7300
- Stetson On-Call Professional Staff: (386) 747-9871
- DeLand Police Department: 911
- DeLand Police Department Victim Advocates: (386) 801-5605
- Florida Hospital, DeLand: (386) 943-4650
- Domestic Abuse Council - (386-255-2102 - 24 hour confidential hotline)  
[www.domesticabusecouncil.com](http://www.domesticabusecouncil.com)
- Family Life Center - (386-437-3505 - 24 hour confidential hotline)  
[www.familylifecenter.org](http://www.familylifecenter.org)
- Betty Griffin House: (904) 824-1555
- National Sexual Assault Hotline: 1-800-656-4673
- National Domestic Violence Hotline: 1-800-799-7233
- National Dating Abuse Hotline: 1-866-331-9474

# Resources and References

- University Title IX website: [Stetson.edu/other/title-ix](http://Stetson.edu/other/title-ix)
- Stetson University Wellness and Recreation's Sexual Assault Prevention website: [Stetson.edu/wellness-and-recreation/wellness/sexual-assault-prevention.php](http://Stetson.edu/wellness-and-recreation/wellness/sexual-assault-prevention.php)
- The Federal Government's Sexual Violence Resource Website: [www.notalone.gov](http://www.notalone.gov)
- [www.stoprelationshipabuse.org](http://www.stoprelationshipabuse.org)
- [www.Rainn.org](http://www.Rainn.org)
- [www.Psychologytoday.com](http://www.Psychologytoday.com)
  - “Are you dating an Abuser?”