

SEXUAL BATTERY

I. Policy Statement

The goals of the Florida State University are to educate members of this community about sexual battery, to apprehend and sanction perpetrators of sexual battery, and to provide the best possible support to victims of sexual battery.

Sexual battery is a crime defined in Section 794.011, Florida Statutes, as “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; however, sexual battery shall not include acts done for a bona fide medical purpose.”

The provisions of Chapter 794, FS, apply equally to male and female staff, faculty, and students of the Florida State University, on or off the campus, regardless of whether the perpetrator and the victim are acquaintances or strangers. Sexual battery involves a lack of consent by the victim.

Sexual battery committed by a student is also a violation of the FSU Student Conduct Code (6C2-3.004, Florida Administrative Code).

Educational programs on sexual assault prevention are presented by the FSU Police Department, the Victim Advocate Program, the Orientation Office, University Housing, the Student Government Association, and others.

II. Reporting System

All FSU faculty and staff shall report every incident of sexual battery to the FSU Police (644-1234). It is the responsibility of each faculty and staff member to assist student victims in reporting incidents to the FSU Police. If the victim chooses not to provide evidence to the police, faculty and staff must still notify the FSU Police Department of the happening of the alleged sexual battery without identifying the victim, as soon as practicable. Both the FSU Police Department and the Victim Advocate Program will report statistical data on sexual battery and attempted sexual battery to their respective Vice Presidents, who will then notify the President of the University.

Any individual within the University community who has been sexually battered on campus or off campus should immediately seek assistance from the FSU Victim Advocate Office (644-7161 or 644-2277) or other victim services of their choosing. The Victim Advocate Office will provide confidential crisis intervention and information regarding the victim's needs or options. All Services of the Victim Advocate Program are confidential and a police report does not have to be filed to receive support.

If the victim chooses to prosecute the alleged perpetrator, the FSU Police Department should be contacted immediately (644-1234). Incidents occurring off

campus will be reported to the Law Enforcement Agency with jurisdiction (Tallahassee Police Department or Leon County Sheriff).

Victims are encouraged to seek medical attention and an evidence collection exam at Tallahassee Memorial Hospital emergency room. Because physical evidence is extremely important in the prosecution of sexual battery, it is strongly recommended that victims do not change their clothing or clean their body prior to evidence collection.

III. Services for Victims

The following services are available on campus for student victims of sexual battery or attempted sexual battery:

- Confidential Victim Advocacy (including crisis intervention, emotional support and practical assistance and referral), Victim Advocate Program; 4th Floor, University Center, 644-7161 and 644-2277; evening and weekends 644-1234 (FSU Police Dept. ask for victim advocate).
- Individual Counseling Student Counseling Center, 2nd Floor, Student Life Building, 644-2003.
- Pastoral Counseling contact Victim Advocate Program for comprehensive phone list.
- Medical Attention (not evidence collection), Thagard Student Health Center, 644-5255.

The following services are available off campus to all victims of sexual battery or attempted sexual battery:

- Confidential Victim Advocacy (crisis intervention, emotional support and practical assistance), Phone Counseling and Referral Hotline, Refuge House/Rape Crisis Center, 681-2111.
- Phone Counseling and Referral (hotline), Telephone Counseling and Referral Service (Big Bend 211) dial 211.
- Evidence Collection and Exam, Tallahassee Memorial Hospital, 431-5411.

Whenever feasible, the Florida State University will assist student victims in rearranging their class schedules and their room assignments if so requested by the victim.

Other services may be available. Please call the Victim Advocate Program for additional information.

IV. Enforcement

The FSU Police Department is accorded full law enforcement authority on the campus and within the City of Tallahassee 500 feet contiguous to the campus. In the event of a sexual battery or attempted sexual battery on campus, the FSU Police Department is responsible for investigating the crime and making any subsequent arrests. In the event of a sexual battery or attempted sexual battery occurring off-campus against a student, the Law Enforcement Agency (Leon County Sheriff or Tallahassee Police Department) with jurisdiction is responsible for investigating the crime and making any subsequent arrests.

Legal penalties for sexual battery will differ, depending on the nature of the crime, but sentences will be in accordance with Florida law.

University employees found guilty of sexual battery or attempted sexual battery are subject to institutional disciplinary action, including termination.

The effective date of this policy is January 6, 2004.

T. K. Wetherell, President