



SEXUAL ASSAULT PREVENTION AND RESPONSE

A. Introduction

Sexual assault is the commission of an unwanted sexual act, whether by an acquaintance or by a stranger, that occurs without indication of consent of both individuals, or that occurs under threat or coercion. Sexual assault can occur either forcibly and/or against a person's will, or when a person is incapable of giving consent. A person is legally incapable of giving consent if less than the age recognized by law, if intoxicated by drugs and/or alcohol, if developmentally disabled, or if temporarily or permanently mentally or physically unable to do so.

Under federal and state law, sexual assault includes, but is not limited to, rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing for purposes of sexual gratification), and threat of sexual assault.

Sexual assault is unacceptable and will not be tolerated at the College of Law. Any individual who has been sexually assaulted is urged to make an official report. A report of a sexual assault will be dealt with promptly. Confidentiality will be maintained to the greatest extent reasonably possible.

The College of Law is committed to providing information regarding on- and off-campus services and resources. Any of the resources listed in this policy can assist a person to access the full range of services available.

B. Reporting Offenses

If you are a victim of a sexual assault at the College of Law, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The Public Safety Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the Public Safety Department. On the Gulfport campus, call Public Safety at (727) 343-1262. On the Tampa campus, call Public Safety at (727) 420-8868. For programs abroad, report to the Resident Director. If you are at an off-site program, report to the highest level College official present. You may also report the sexual assault to the Assistant Dean of Student Life. Filing a security report the College will not obligate the victim to prosecute. Filing a report will:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests;

- provide the opportunity for the College of Law to assist in contacting law enforcement for the collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and
- assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

C. Confidentiality

The College of Law will make every effort reasonably possible to preserve an individual's privacy and protect the confidentiality of information. The degree to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. The professional being consulted should make these limits clear before any disclosure of facts. An individual can speak confidentially with certain individuals in legally protected roles. They include sexual assault counselors such as those under the Employee Assistance Program and Student Assistance Program, medical clinicians, and clergy. Exceptions to maintaining confidentiality are generally set by law; for example, physicians and nurses who treat a physical injury sustained during sexual assault are often required to report it to law enforcement. Also, physicians, nurses, psychologists, psychiatrists, and social workers typically must report a sexual assault committed against a minor.

Information shared with other individuals is not legally protected from being disclosed. For example, the Assistant Dean of Student Life, the Manager of Residential Properties, or other faculty or staff members may need to inform other individuals to protect their safety or rights, in fairness to the persons involved, or in response to legal or institutional requirements. In addition, under the Clery Act, the College of Law is required by law to report specified factual details about incidents occurring on campus. These reports are for statistical purposes and do not include individual identities.

As a private institution, the College of Law has the ability to and does keep confidential the identity of a person officially reporting a sexual assault. However, if the police initiate an investigation and the State Attorney files a criminal charge, confidentiality may not be maintained.

If a complaint is filed or referred under the Code of Student Professionalism and Conduct, or under the Academic Honor Code (as a cross-referral from the Professionalism Code when punishments at or more severe than suspension are at issue), then the accused student will be provided with the name of the complainant and victim.

As required by law, all disclosures to any College of Law employee of an on-campus sexual assault must be reported for statistical purposes only (without personal identifiers) to the Department of Public Safety, which has the responsibility for tabulating and annually publishing sexual assault and other crime statistics. To promote public safety, the Department also alerts the campus community to immediate threats to campus safety by issuing Security Alerts.

When a sexual assault victim contacts the Public Safety Department, the appropriate law

enforcement agency may also be notified if requested by the victim. The College of Law will assist the individual in any reports to law enforcement if requested. For students, a representative from the Office of Student Life will also be notified. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and/or the College of Law Code of Student Professionalism and Conduct or Academic Honor Code. A College of Law representative from the Public Safety Department or the Office of Student Life will offer support to the victim regarding the available options and to the extent reasonable support the victim in his or her decision. Counseling is available for students through the Office of Student Life. Counseling and support is available for employees from the Office of Human Resources through the Employee Assistance Program.

D. Disciplinary Procedures

Employee disciplinary procedures and penalties are detailed in various applicable policies. College of Law disciplinary proceedings for students are detailed in the Code of Student Professionalism and Conduct and the Academic Honor Code. Both the accused and the victim have the same opportunities to have others present during a campus disciplinary proceeding where permitted, and both the victim and the accused will be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault. In addition, the following special guidelines apply. A student found in violation of the Code of Student Professionalism and Conduct, or the Academic Honor Code where the matter has been referred, could be criminally prosecuted and may be subject to any of the listed sanctions under the Code of Student Professionalism and Conduct, or expulsion under the Academic Honor Code for the first offense.

E. Change in Academic or Living Conditions

Student victims have the option to change their academic and/or on-campus living situations after an alleged sexual assault, if such changes are reasonably available. Such requests should be coordinated through the Assistant Dean of Student Life.

F. Education and Resources

The College of Law educates the student community about sexual assaults and date rape through mandatory initial student orientation for each entering class. The Office of Student Life offers sexual assault information to students upon request. Literature on date rape education and risk reduction are available for the entire campus through the Office of Student Life and the Public Safety Department.

An individual who has been sexually assaulted, whether by rape or another unwanted sexual contact is urged to make an official report to Public Safety Department. Whether or not a victim of sexual assault chooses to make an official report, he or she is urged to seek appropriate help. There are numerous resources for faculty, staff, students, and visitors to campus.

Specific resources, either on or off campus, for medical treatment, legal evidence collection, and obtaining information, support and counseling are listed below. Each resource can assist a

person to access the full range of services available.

- **Medical Treatment** — An individual who has been sexually assaulted is urged to seek appropriate medical evaluation as promptly as possible. For life-threatening conditions, call 911 or go to the Emergency Room of the nearest hospital. For treatment of less serious injuries or for evaluation and prevention of sexually transmitted diseases and pregnancy, as well as consultation for other health issues, individuals and/or their spouses/domestic partners should seek medical treatment using ordinary channels such as local clinics or personal physicians.
- **Medical-Legal Evidence Collection** — An individual who has been sexually assaulted (particularly by rape, forcible oral copulation, or sodomy) is encouraged to request collection of medical-legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action. To obtain a free medical-legal exam, the individual will need to contact the police and file a police report.
- **Obtaining Information, Support, and Counseling** — Whether or not one chooses to make an official report, an individual who has been sexually assaulted is encouraged to obtain information, support and counseling. The degree to which confidentiality can be protected depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed. Counseling referrals or information can, in the case of employees, be obtained from Human Resources. For students, referral can be made by the Office of Student Life. Off-campus options include:
 - Florida Council Against Sexual Violence (www.fcasv.org)
 - Rape Crisis Hotline (Family Service Centers), 727/530-7273

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