The University Police and Safety Department is responsible for law enforcement, security, disaster planning, and emergency response at FGCU and is located in the north end of the Campus Support Complex.

The law enforcement officers of the department receive their enforcement authority via the provisions of Chapter 1012.97 F.S.S. All University police officers are certified by the State of Florida after completion of appropriate training and testing as set by the Florida Dept. of Law Enforcement’s Criminal Justice Standards and Training Commission. Police officers at FGCU have full law enforcement authority including arrest powers on all property owned or controlled by FGCU.

The University Police Department has an excellent working relationship with all local law enforcement agencies, which assures the delivery of professional police services. A variety of state and federal agencies are available to assist the department upon request. Through mutual aid agreements, the Lee County Sheriff’s Office provides investigative and crime scene assistance for major incidents, and assistance is available from each of the other 11 police departments that comprise the Florida State University System.

Communication and coordination with all area law enforcement are maintained on a 24-hour basis via computer networks such as Florida Crime Information Center (FCIC) and National Crime Information Center (NCIC). The Department also receives crime reports from the Lee County Sheriff's Office and other local law enforcement agencies for criminal activity involving students. Information may be forwarded to Student Affairs for review.

MESSAGE FROM FLORIDA GULF COAST UNIVERSITY POLICE DEPARTMENT

The staff of the University Police Department is pleased to provide the 2019 Campus Security & Fire Safety Report. The purpose of this guide is to provide important information concerning your safety and security on campus. This information allows students, faculty and staff to be informed and involved in making decisions about personal safety.

The goal of all members of the University Police Department (UPD) is to work with all who comprise the FGCU community to provide a safe and secure environment that allows all to achieve their academic goals and enjoy the college experience. This means offering a variety of crime prevention efforts, insuring safety for vehicular and pedestrian traffic, assisting in coordinating special events, and providing reliable, high quality professional service at all times.

The UPD staff will strive to surpass your highest expectations, but your participation is needed. Removing the opportunity for criminals by locking your campus residence, removing valuables and securing your car, utilizing the shuttle service or after-hours escort service if traveling alone, increasing safety by driving cautiously and defensively, and finally by acting responsibly and respectfully to others, will assist in making the campus as safe and friendly as possible.

The UPD staff is here to help. If we can be of any assistance, please contact any UPD member you encounter on campus or call (239) 590-1900. Additionally, please check our website for helpful hints and information. Together we can make everyone’s FGCU experience a positive and enjoyable one.
REPORTING CRIME AND OTHER EMERGENCIES (FGCU ALERT)

FGCU encourages people to report all crimes and other emergencies in an accurate and timely manner to FGCU Police, including when the victim elects or is unable to make a report. For routine or emergency police services call 590-1900. For a medical or fire emergency call 590-1900 or 911. Additionally or emergencies you may use the emergency poles and boxes located throughout campus.

To confidentially or anonymously report a crime, or to provide a tip on a crime, a voice message can be left on the Silent Witness Program by calling 590-1906, or by using the chat/tips option of the Guardian Eagle Safety App.

Campus Security Authorities: In addition to the above, crimes can be reported to various Campus Security Authorities (CSA), who can assist the victim or witness in filing a report or provide a method of protecting the identity of the victim or witness. A CSA is an official of the institution who has significant responsibility for student and campus activities. Specific offices designated to assist in reporting crimes are CAPS, Dean of Students’ Office, Ombuds Office, and Title IX (OIEC). Other examples of CSAs include Office of Student Involvement and faculty advisors to student groups, Athletic Director and coaches, Director of Housing, and RDs and RAs, Victim Advocate, Student Health, and all Officers within UPD. Due to professional regulations, some pastoral and professional counselors are exempt from being CSAs so they may provide appropriate counseling services without an obligation to report crimes they learn about.

SECURITY CONSIDERATIONS IN THE MAINTENANCE OF CAMPUS FACILITIES

The university buildings and grounds are maintained to provide a safe environment for all who come to campus. A variety of personnel from various departments, including Physical Plant, Auxiliary Services, Housing, and University Police work together to ensure all components that comprise the safety system are operational. This includes exterior lighting, fire and smoke detection systems, emergency call boxes, and maintenance of landscaping, sidewalks and traffic control. If you observe any safety issue, please contact the University Police so corrective action can be taken.

CRIME PREVENTION EDUCATION AND AWARENESS

Community Policing/Outreach
By increasing the interaction of officers with students, faculty and staff, a team approach is desired to reduce the opportunity for crime and improve reporting and solving of crimes that do occur. Officers work and interact closely with Housing, Athletics and various clubs and sports. These officers are also available to provide or arrange general crime prevention seminars, distribute literature, conduct problem-solving activities, and other activities to help develop a substantive relationship with members of the community. A recently added position is Community Outreach Programs and Services. This Officer can coordinate a variety of internal or external programs and can be called at 745-4531.

Personal Safety
Police department members provide personal safety information at each new student and employee orientation. Security surveys or other presentations are offered upon request to any group on campus. Such presentations include available pamphlets, handouts and prevention tips. Sexual assault awareness programs are offered periodically to any and all interested individuals or groups through UPD and the Title IX Coordinator. Group programs may be scheduled in advance by calling 590-1900 (1900 on campus) for UPD or 745-4366 for Title IX. The program also provides tips on avoiding and preventing “acquaintance/date” rape.

Drug/Alcohol Education Programs
The University Police and Safety Department, in conjunction with other university offices and local social service providers, provides periodic educational programs on the effects of alcohol and drug abuse. The programs include dissemination of information critical to the participants’ ability to make informed, responsible decisions regarding the role of these substances in their lives.

Victim Advocates
The University Police and Safety Department is required by Florida State Statute to inform victims and witnesses of crime of their rights within the legal system. If you are the victim of, or a witness to a crime, the investigating officer will provide you with the required information. Our close relationship with other service providers allows us to refer you to them for services beyond that which we can offer. The on-campus Victim Advocate, located within Student Success and Enrollment Management and can be contacted at 590-7685.
**Operation Identification**
“Operation Identification” is a program based on the concept that marked items are more difficult for a thief to dispose of as they can be traced back to the owner. Property is engraved with the owner’s driver license number, or other unique number for identification purposes. The department offers this service at no cost. Call 590-1900 to reserve an engraver.

**Transportation/Escort**
The Eagle Shuttle provides on-campus transportation from 7:00am-10:30pm Monday-Friday during the fall and spring semesters. Shuttles run from Housing to the main campus. The shuttles run approximately every 15 minutes. Lee County Transit (LeeTran) services the university. For route scheduling, please contact LeeTran directly at 533-8726.

An escort by UPD staff is available during evening or night-time hours on campus. By calling 590-1900 an officer or Police Service Aide will be sent to escort you to your car, housing or other academic building.

**Physical Facilities**
The Plant Operations and Maintenance Department is responsible for the operational maintenance of all university buildings and grounds. Safety or maintenance problems should be reported to 590-1370 (1370 on campus).

**Lighting**
To provide a safe environment for the university community, we periodically evaluate our lighting system. This system encompasses the roadways, pathways, and parking lots to provide visible paths of travel to and from buildings and parking lots. With construction and environmental changes, illumination may not always appear the same. Students, faculty and staff are encouraged to report lighting problems to University Police or Plant Operations.

**Key Control**
Protection of issued keys and entry cards is extremely important. Do not lend keys or cards, particularly if you are unsure of a person’s authorization. Keys are clearly marked “Do Not Duplicate” and any attempt to duplicate such a key is illegal.

**Crime Prevention**
Crime Prevention classes are held periodically and are open to students, faculty, staff and the general public. Rape Aggression Defense (RAD) System classes are open to female students, faculty and staff periodically, throughout the year. For information on RAD or Crime Prevention programs, call 590-1900.

**Registered Sexual Offenders Search**
In accordance with state statutes, registered sexual predators and sexual offenders must register with the Florida Department of Law Enforcement. Convicted sex offenders from out of state must register in Florida within 48 hours of establishing residence.

The Florida Department of Law Enforcement has created a web tool for interested parties to search its database. This database may be used to find sex offenders and predators by county, zip code, or by university. That site is located at: offender.fdle.state.fl.us/offender/sops/search.jsf or call 1-888-357-7332.

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**EMERGENCY MANAGEMENT**

Emergency Management focuses on creating a secure and resilient university with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that put FGCU at risk.

For more information go to: fgcu.edu/emergencymanagement

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*Officer assists with wildlife safety.*
In the event of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on campus, the University Police Department thru the Office of the Chief of Police or designee, in conjunction with the Emergency Assessment Team if time permits, will determine the appropriate segment or segments of the campus community to receive notification; determine the content of the notification; and utilize the appropriate mass notification systems to notify the community. The decisions will be based on the information available at the time and notification will be made unless, in the professional judgment of the responsible authority, the notification could compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. The mass notification systems can include: FGCU Alert (text messaging to include e-mail and social networking links), Axis TV alerts, website alerts, public address systems, outdoor siren, and telephone notifications. In 2017, the system was utilized for sending emergency messages 4 times and administrative messages 7 times.

FGCU Alert is an opt-out emergency notification system. All students, faculty, and staff are automatically enrolled by their cell phone number and e-mail. All are encouraged to download the FGCU Guardian Eagle Safety app through Rave to add/edit to their profile.

Utilizing the Communication Plan of the Comprehensive Emergency Management Plan (CEMP), the Office of the University Spokesperson and the Office of Marketing & Communications manage disseminating subsequent incident related information to the larger community through media, social media, and other appropriate methods.

Test of FCU Alert: The Clery Act requires at least one test of its emergency notification system each year. FGCU will test the system at least twice each year, usually during the spring and fall semester. This will test all methods of notification and an Emergency Test Alert Report will evaluate the procedures and performance of the systems.

The life safety fire drill information and building evacuation procedures can be found at the Environmental Health & Safety website www.fgcu.edu/EHS/lifesafety.html. EHS conducts unannounced evacuation drills during the spring semester of each year for all on and off campus owned or leased buildings. Students, faculty and staff in all buildings, academic, recreation and residential, learn points of emergency exit. The evacuations are monitored by EHS, UPD, local and state fire representatives. EHS completes a report detailing the exercise and any recommendations for improvement.

The use of alcoholic beverages by members of the university community is subject to the alcoholic beverage laws, Chapters 562, 565, and 856, Florida State Statutes.

- It is unlawful to sell, give, or serve alcoholic beverages to a person under age 21; to misrepresent or misstate your age or the age of other persons to induce any licensee, his agents or employees to give, sell, serve, or deliver any alcoholic beverage to a person under 21 years of age.
- Possession of alcoholic beverages by persons under age 21 is prohibited.
- No adult (age 21 or older) shall allow an “open house party” (social gathering) to take place if any alcoholic beverage or drug is possessed or consumed by any minors.
- Further, Lee County ordinances prohibit the possession of open containers in public areas.

Under university rules, a violation of the preceding may cause disciplinary action and, under appropriate state laws, referral for prosecution.
**Drugs:** The Drug-Free Environment policy (3.044) is available on the General Counsel website; the Drug-Free School Statement is available through the Office of Student Affairs.

FGCU is committed to a safe and orderly environment for all students, faculty, and staff. To this end, the university advises all community members that it is unlawful to manufacture, distribute, dispense, possess, and/or use illegal drugs on its premises or at activities sponsored by the university.

In addition to imposition of disciplinary sanctions under university rules, students and employees may face arrest and prosecution under federal and state laws, which makes such acts felony or misdemeanor crimes.

**Drug and Alcohol Prevention Program:** The University must have drug and alcohol abuse prevention programs for students and employees. Moreover, students and employees must receive materials annually that contain standards of conduct, a description of the various laws that apply in that jurisdiction regarding alcohol and drugs, a description of counseling and treatment programs that are available, and a statement on the sanctions the university will impose for violation of the standards of conduct. This policy, along with an annual statement, will be provided to all employees and students. The following are available to all students:

1. **Prevention & Wellness Services (PWS):** PWS provides wellness programming, events, Peer Education, health promotion, online tools, and a free resource area in our lobby, which include brochures and other printed material. They also cover a variety of wellness issues, including substance use and abuse issues.
2. **Student Health Services (SHS):** SHS has a wide array of educational materials, and a medical staff to answer questions.
3. **Counseling and Psychological Services (CAPS):** CAPS provides assessment and counseling intervention for students, and consultation and referral for faculty and staff.
4. **Human Resources (HR):** HR provides referrals to the Employee Assistance Program (EAP). EAP is available free of charge to employees and their families on a confidential basis, 24 hours a day, 7 days a week. Employees who have a concern about drug or alcohol abuse are encouraged to contact the EAP for assistance in finding resources to help with the problem.

**Health Risks Associated With the Use of Illicit Drugs and the Abuse of Alcohol**

Drugs cause physical and emotional dependence. Users may develop a craving for specific drugs, and their bodies may respond to the presence of drugs in ways that lead to increased drug use.

Regular users of drugs develop tolerance, a need to take larger doses to get the same initial effect. They may respond by combining drugs, frequently with devastating results.

Certain drugs, such as opiates, barbiturates, alcohol, and nicotine, create physical dependence. With prolonged use, these drugs become part of the body chemistry. When a regular user stops taking the drug, the body experiences the physiological trauma known as withdrawal. The withdrawal trauma includes (depending on the type of the drug): loss of appetite, irritability, tremors, panic, cramps, nausea, chills, sweating, anxiety, insomnia, delirium, convulsions, depression, and disorientation among other discomforts. Psychological dependence occurs when taking drugs becomes the center of the user's life.

Psychological dependence on drugs can destroy ties to family and friends, as well as cause the user to abandon outside interests, values, and goals. The user goes from taking drugs to feel good, to taking them to keep from feeling bad. Over time, drug use itself heightens the bad feelings and can leave the user suicidal. Drugs can remain in the body long after use has stopped. The extent to which a drug is retained in the body depends on the drug's chemical composition. Such accumulations of drugs and their slow release over time may have effects on the mind and body weeks or even months after drug use has stopped.

Drugs can interfere with memory, sensation, and perception. They distort experiences and cause a loss of self-control that can lead users to harm themselves and others. Drugs interfere with the brain's ability to take in, sort, and synthesize information. As a result, sensory information runs together, providing new sensations while blocking normal ability to understand the information received. Drugs can have an insidious effect on perception; for example, cocaine and amphetamines often give users a false sense of functioning at their best while on the drug. Research shows that drugs erode self discipline and motivation necessary for learning that causes decline in academic and work performance as well.

The marijuana produced today is from 5 to 20 times stronger than that available as recently as 10 years ago. Its regular use has been associated with “amotivational syndrome”, characterized by apathy and loss of goals. Research has shown that severe psychological damage, including paranoia and psychosis, can occur when marijuana contains 2 percent THC, its major psychoactive ingredient. Since the early 1980’s most marijuana has contained from 4 to 6 percent THC - two or three times the amount capable of causing serious damage.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in high mental functions, severely altering a person’s ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the
central nervous system, much lower doses of alcohol will produce the effect just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Far more addictive than heroin, barbiturates, or other illicit drugs is crack, a cheap but potent form of cocaine. It is extremely addictive; repeated use can lead to addiction within a few days. Crack leads to crime and severe psychological disorders. Many users once addicted, have turned to stealing, prostitution, and drug dealing in order to support their habit. Continued use can produce violent behavior and psychotic states similar to schizophrenia. Crack/cocaine as well as many other illicit drugs (for example, narcotics, depressants, stimulants and hallucinogens) produces a wide gamut of withdrawal syndromes. These drugs can also cause sudden death from cardiac arrest or respiratory failure.

**Weapons:** Florida State Statute 790.115 and FGCU regulation PR9.005 prohibit the carrying of firearms on a university campus. Firearms are not permitted to be carried on campus, except for those carried by uniformed law enforcement officers or members of the military engaged in authorized training.

The unauthorized use or possession of weapons, to include electric weapons or devices, destructive devices, or other weapons including a razor blade, box cutter, or knife on the FGCU campus is prohibited by Chapter 790.115(2), F.S.S.

**Conduct Standards:** The published rules of conduct enable the University to meet its mission of contributing to the well-being of society. Failure of students, student organizations, faculty or staff to comply with duly established laws or University regulations may subject the violator(s) to appropriate action by the university or other civil authorities.

Florida law Chapter 1006.61 prohibits intentionally acting to impair, interfere with, or obstruct the orderly conduct, processes, and functions of any state university. Violations may result in a minimum two-year expulsion from the university.

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal (including written and electronic communications) or physical conduct of a sexual nature can constitute sexual harassment.

FGCU’s Non-Discrimination, Anti-Harassment and Sexual Misconduct regulation (FGCU-PR1.003) is published in all catalogs as well as the Student Guidebook. Specific information can be obtained from the General Counsel website and/or the Office for Institutional Equity and Compliance.

FGCU does not attempt to shelter students or employees from federal, state, or local laws pertaining to sexual misconduct. Individuals who feel they have been harassed should contact the following:

For students, the Division of Student Success and Enrollment Management or office of Assistant Vice President and Dean of Students. For employees, the Human Resources Department or University Ombuds
WHAT TO DO IF YOU ARE RAPED OR SEXUALLY ASSAULTED

GET MEDICAL ATTENTION IMMEDIATELY.

The primary purpose of a medical examination following a rape is to check for injuries and the presence of sexually transmitted diseases or pregnancy (as a result of the rape). The secondary purpose of an examination is to aid the police investigation and legal proceedings through the recovery of evidence.

Don’t bathe, douche or brush your teeth. Bathing or douching (brushing your teeth if oral sex is involved) is understandably the first thing you might want to do, but don’t. You might literally be washing away valuable evidence. Wait until after the medical examination.

Save your clothing. It’s okay to change your clothes but save what you were wearing. Your clothing could also be valuable evidence. Place each item of clothing into separate paper bags if possible; if not, a single large bag will do.

Report the incident to the police. It is up to you, but reporting a rape is not the same as prosecuting a rape. Rapists, even acquaintance rapists, are repeat offenders. Law enforcement can only apprehend offenders when they know about the crime.

If you are the victim of a sexual assault and decide not to notify law enforcement, it is still important that you seek medical attention and contact a victim support resource. On or off campus you can call the Rape Crisis Hotline (939-3112). On-campus counseling is available through CAPS, 590-7950.
CAMPUS RESIDENCE FIRE SAFETY

Introduction
The Higher Education Opportunity Act (HEOA) was signed into law in August 2008 and mandates several new reporting requirements for college campuses. One of the main provisions of the HEOA is the Campus Fire Safety Right-to-Know Act. This provision calls for all Title IV eligible institutions that participate in Title IV programs and maintain on-campus student housing facilities to publish an annual fire safety report that outlines fire safety systems, policies, practices, and statistics. The following report discloses all information required by HEOA as it relates to Florida Gulf Coast University.

Fire Log
The Department of Housing and Residence Life maintains a fire log of all fire-related incidents occurring within the residence halls. This log includes the incident type, date incident is reported, date and time of occurrence, general location of each reported incident type and the disposition of the incident if that information is known. Reporting all fires and inquiries regarding the fire log should be directed to the Associate Director for Residence Life. Residence Life provides, within 2 business days, fire log information to the Office of Chief of Police, for posting on the online daily fire log.

Facilities and Fire Protection Systems
Florida Gulf Coast University’s Office of Housing and Residence Life operates 34 apartment buildings and 5 residence halls housing approximately 4,250 students on campus and 500 off campus. Each apartment building/residence hall is protected by a full sprinkler system and networked fire alarm system. When a networked fire alarm is activated, the alarm sounds on a panel in the University Police Department, which is staffed 24 hours a day, 365 days a year. An officer will be dispatched along with a Resident Assistant to the building and will determine the cause of the alarm and whether the fire department should be notified to respond. In addition to the sprinkler and alarm systems, all buildings contain portable fire extinguishers in designated locations.

Florida Gulf Coast University’s Office of Housing & Residence Life partners with SimplexGrinnell on providing the life safety inspection services for all on-campus apartments and residence halls. SimplexGrinnell tests and maintains the fire alarm systems and fire sprinkler systems to meet National Fire Protection (NFPA) requirements. The fire alarm system is tested on an annual basis to meet the NFPA 72 requirements, including the testing of all peripheral fire alarm devices. The fire sprinkler systems are tested by SimplexGrinnell on an annual and quarterly basis to meet the NFPA 25 requirements for water-based protection systems, including the fire pumps on the property. SimplexGrinnell tests and certifies the fire extinguishers in the apartments, suites and common areas of housing in compliance with NFPA 10 requirements. SimplexGrinnell confirms system readiness, performs functional testing using specialized tools and instrumentation, makes necessary adjustments and/or calibrations, and provides detailed reports recommending any necessary corrective actions.

Fire Safety Education and Training
The Office of Housing and Residence Life conducts in-depth fire safety training with the Residence Life staff each year. Training sessions on fire safety, fire evacuation protocol, and the role of a Resident Assistant (RA) in any fire-related emergency are conducted each year during Resident Assistant training. The RA’s are also trained on fire extinguisher use and basic level fire extinguishing techniques.

Planned fire drills, coordinated with the University Police, Housing Facility staff and Residence Life staff, are conducted each year during the month of September. Fire evacuation procedures are also published in the Community Guide and can be found at http://www.fgcu.edu/Housing/current/the-community-guide.html. In addition to the planned fire drills, the Residence Life staff performs fire and life safety inspections in each apartment/residence hall each month to ensure fire safety equipment is operable and no fire/life safety issues exist.

Fire Safety Policies
The following are prohibited in the residence halls/apartments:
- Smoking
- Use of candles and/or incense
- Use of open flame appliances
- Halogen lamps
- Live Christmas trees
- Tampering or playing with fire extinguishers, smoke detectors, sprinkler heads, exit lights, emergency lights, or other emergency equipment
- Starting a fire
- Leaving food cooking unattended

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FGCU is voluntarily reporting West Lake Village statistics due to being owned and operated by FGCU. In accordance with the definition of fire within the federal guidelines, FGCU will report any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

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ACCESS TO UNIVERSITY FACILITIES AND HOUSING

FGCU is a public university with many buildings and events open to the public. Many of the buildings or establishments open to the public have the hours posted at the entrance. Some buildings and offices are secured by locked doors accessible only by key or access card. The University Police provide regular patrols of the entire campus. Any individual who interferes with the orderly operation of university business may be escorted from campus or arrested.

All residents of University Housing are issued access cards and keys. All exterior doors and individual bedroom doors should remain locked. Visitation policies and hours are set by the Office of Housing & Residence Life (OHRL).

TIMELY WARNING, CRIME ALERTS AND DAILY CRIME/FIRE LOGS

The Police Department, in conjunction with other university departments or local law enforcement agencies, issues campus Timely Warning promptly when an incident is considered a serious or continuing threat to students or employees. A Timely Warning is required by Clery Act for the community to be alerted to certain crimes in a timely manner that will aid in prevention of similar crimes. The Timely Warning not only warn, but can include tips and information to promote safety and aid prevention. A Timely Warning will utilize methods to reach the entire community such as the FGCU Alert system (text/social media) and e-mail. These Timely Warnings will be posted on the department website at http://www.fgcu.edu/upd/, at other locations around campus to reach the impacted population, and otherwise distributed as needed via e-mail and text messaging through the FGCU Alert system.

The department does maintain a daily crime log and fire log database. The crime log includes the nature, date, time of report and occurrence, general location, and status. The fire log is for all fires that occur in student housing facilities. The fire log includes the nature, date reported, date occurred, and location. Both logs are available on-line at the UPD website and can be printed by staff at the Police station. The information is also provided weekly or as requested to the Eagle News for publication in the school newspaper.

A Crime Alert, sent by UPD, is an emergency or non-emergency e-mail sent to inform the campus of detail information of an incident(s) and providing information and prevention tips and requesting assistance in solving a crime.

SEXUAL ASSAULT/VIOLENCE DEFINITIONS AND POLICY

FGCU prohibits sexual assault, other unlawful sexual activity, dating violence, domestic violence, and stalking, and offers programs aimed at prevention of such offenses. These offenses are violations of state criminal law as well as the university’s Student Code of Conduct. A summary of the basic elements of each such offense is set forth below.

Sexual Assault and Other Unlawful Sexual Activity

Sex offenses are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Under Florida Statute 794.011, there are four definitions that impact consent or lack of consent:

1. “Consent” means intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.
2. “Mentally defective” means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.
3. “Mentally incapacitated” means temporarily incapable of appraising or controlling a person’s own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.
4. “Physically helpless” means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

The FBI and Clery Act definitions of sex offenses are:

**Forcible Sex Offenses**

**Rape** is 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 the touching of the private body parts of another person for the purpose 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.

**Non-forcible Sex Offenses**

**Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

The below are Florida definitions of the specific crime listed:

“**Dating violence**” 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 the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintance or violence between individuals who only have engaged in ordinary fraternization in a business or social context. (FSS 784.046)

“**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. (FSS 741.28)

“**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. (FSS 794.011)

“**Stalking**” means a person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person. (FSS 784.048)

If there is reason to believe that FGCU’s rules prohibiting any of these offenses have been violated, either on or off campus, the administration may pursue disciplinary action through the university’s Conduct Review Process, Human Resources and/or through any other available procedures.

**REPORTING OPTIONS:**

The reporting of sexual assault/violence can take two paths. You may:

- Report the crime to the FGCU police at 239-590-1900. The police can initiate a criminal investigation, provide information on services available on and off campus, and provide the initial information to Title IX and Student Conduct for their services to be provided. If the crime occurred off-campus, UPD will assist in obtaining proper law enforcement agency.
- Report to other offices of responsibility, including:
  - Title IX- Office of Equity and Compliance
  - Dean of Students
  - Ombuds Office
  - Victim Advocate
  - Counseling and Psychological Services (CAPS)
  - Other Campus Security Authorities

Reporting to any of these offices allows the person to seek services, determine involvement of Conduct and/or Police, and request confidentiality to the extent possible. On-line reporting: Student, faculty and staff may file on-line through The Office of Student Conduct and the Title IX office. The Title IX complaint form, https://www2.fgcu.edu/equity/Complaint-form.html, also directs anyone wanting to file an anonymous complaint to the EthicsPoint Hotline form, https://secure.ethicspoint.com/domain/media/en/gui/48024/index.html.

**Options For Assistance:**

The Dean of Students Office or the Title IX Coordinator can assist you in seeking changes in university academic, living, working, and transportation situations, regardless of whether you choose to report the crime to law enforcement. The university will make every effort to honor your request if such changes are reasonably available. You may seek an order of protection, a court-ordered no contact order, a restraining order or similar lawful orders from a court of competent jurisdiction. For Lee County, restraining orders or injunctions may be filed at the Domestic Violence Unit at the Lee Clerk of Courts and can be called at 239-533-2884.

Assistance is also provided to any student or employee victim of sexual assault or misconduct in the forms of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims within
Confidentiality:
FGCU respects a decision to desire confidentiality when filing a report. To the extent allowed by Florida law and FGCU regulations and policies, some level of confidentiality can be provided depending on the services being sought. Professional counselors within CAPS may be able to provide confidential services, as well as the Victim Advocate. Most university employees designated as CSAs are required to, at minimum, provide basic incident information for Clery Act reporting purposes (date, time, location, and nature of incident). If seeking services from Title IX or Student Conduct, the appropriate office can explain the services available and the level of confidentiality possible. Florida public records laws and Megan's Law (Amendment 6, 2018) provide victim rights and confidentiality through the withholding of personal identifying information from any public records requests.

Support Resources
Resources are available on and off campus to assist victims of sexual violence.

Off Campus
Abuse Counseling and Treatment (ACT) - A hotline counselor can speak to you about options, assist you in making a safety plan, identify resources and assist you in making an appointment for counseling. ALL SERVICES ARE FREE. 24-hr hotline 239-590-7950 (hotline may be accessed while on or off campus)

Project Help (Collier County) - The hotline offers immediate crisis intervention, information, and referral services. 24-hr hotline 239-262-7227 (hotline may be accessed while on or off campus)

On Campus
FGCU's Counseling and Psychological Services Office (CAPS) provides free confidential personal, emotional, and behavioral support services to all students dealing with trauma or victimization. CAPS can be reached at 239-590-7950 24-hrs a day.

FGCU’s Student Affairs Case Manager - Available to students who have been a victim of a crime. The Student Affairs Case Manager can provide student victims with their reporting options and assist in navigating campus and local processes. The Student Affairs Case Manager may work with university officials to address students’ concerns related to personal safety and connect students with internal and external resources. For more information, contact the Case Manager at 239-590-1866.

FGCU’s Student Health Services (SHS) - Student Health Services (SHS) does not perform forensic rape exams. However, SHS does offer testing and treatment for sexually transmitted infections and Plan B emergency contraception. SHS can also direct you to other campus resources. SHS is located at the Wellness Center and can be contacted at 239-590-7966.

Dean of Students (DOS) Cohen Center - The Dean of Students can provide an overview of the student conduct process if the accused is a student at FGCU. You are encouraged to report so that we can look into the incident and do what we can to ensure this does not happen again to anyone else. The dean will also provide information and resources available to assist you. DOS is located in the Cohen Center, room 288 and can be contacted at 239-590-7900

Student Code of Conduct and Student Conduct Review Process
FGCU regulation FGCU-PR4.002 (http://studentservices.fgcu.edu/StudentConduct/conduct.html) provides detailed information concerning the process utilized once a report of sexual violence has been reported. Included are definitions of consent and the standard of evidence, preponderance of information, which will be used in the conduct proceeding. The possible disciplinary sanctions that may be imposed following final determination, including such outcomes as a reprimand, disciplinary probation, suspension, and disciplinary expulsion, are explained within the regulation.

Sexual Assault Education Programs:
FGCU provides education programs to promote prevention and awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking. Education programs include services and programs through: New Student Orientation; Housing & Residence Life; Student Development Services; University Police; Human Resources; and joint committees such as ARISE.

Prevention & Wellness Services provide a variety of prevention programs. These include several bystanders intervention programs and information on risk reduction including:

TIPS - The goals of the training are to educate students on how to recognize the signs of intoxication, what to do when they identify peers who have consumed too much alcohol, and how to intervene in a way to de-escalate the situation and reduce the risk of harm. Through discussion, videos, and role playing, students will be able to increase their people skills and gain the confidence needed to effectively help their peers.

Step UP!-SEXUAL ASSAULT - is a comprehensive bystander intervention program that teaches you how to decide whether to step up, how to help, and other strategies to help you feel confident taking action when it comes to sexual assault. We'll give you the tools to step up, be a leader, and make a difference.

Rising Above Rape Culture - What are the elements of rape culture, and what can you do about it? This program covers important aspects such as stereotyping and victim
blaming, language about the issue of rape, bystander intervention, consent, and other information that helps us become educated and compassionate about this tough topic. We will also explore the difference between healthy and unhealthy relationships, including abusive relationships. In addition to covering sexual violence and relationship violence, we will share information about campus resources on these topics and how to help a friend dealing with either issue.

**Sexual Assault: How Men Can Help** (For men only; great for fraternities) - this program facilitates discussion among men about sexual assault. Topics include how to keep yourself and your friends from being accused of inappropriate conduct, how to help a friend who has been assaulted and the legal aspects of sexual assault.

Other outreach efforts include panels, programs, speakers, and all incoming undergraduate students must complete MyStudentBody, a course covering alcohol, drugs, and sexual violence. These efforts are to promote prevention and awareness for all incoming students, faculty and staff.

**EDUCATIONAL PROGRAMS AND CAMPAIGNS FOR INCOMING STUDENTS & NEW EMPLOYEES:**

**Mandatory/Primary**

**Employees:** Each new employee (including OPS and Resident Assistants) must attend an in-person sexual harassment prevention training within their first 90 days of employment. Within the sexual harassment prevention training are specific instructions about what constitutes a Title IX violation (sex discrimination, sex harassment, stalking, intimate partner violence, assault), as well as the reporting requirements for all employees, and an overview of Regulation FGCUPR-1.003 and its corresponding Policy 1.006 (Policies that speak directly to prohibition of the relevant acts). These trainings are generally small group trainings 10-12 people, with a large “make up” session about once a month with up to 40 attendees. The training is given by one of the Title IX professionals in the office, and contains scenarios and video clips. After the in-person training, every employee is required to complete an annual refresher course (online or in person) on issues of discrimination and harassment. Faculty specific: the OIEC goes to faculty retreats every other month to give faculty a refresh on responsible reporter training and Title IX (last completed FA 2018).

**Students:** OIEC presents on Title IX specifically at every new student orientation (FTIC and Transfer). We cover intimate partner violence, stalking, assault, consent issues, sexual exploitation, and our sexual misconduct policy. Prevention and Wellness is charged with making sure students complete the My Student Body survey prior to registering for second semester. Below is a summary of the goals of the course:

- help students understand what healthy and unhealthy relationships look like.
- define meaningful consent and how to set boundaries.
- help prevent relationship abuse, domestic and dating violence, stalking, sexual assault, and rape.
- help students understand the Campus SaVE Act and their rights under the Act.
- motivate bystanders to intervene to help friends or others who may be experiencing relationship violence.
- support students who have experienced sexual assault and rape.

**Supplemental/Awareness**

The OIEC tables about once a month during the fall and spring semesters. There, we quiz students and employees on their knowledge of Title IX related topics. This is sometimes combined with events (PRIDE Week or Its On Us campaign), sometimes done independently. Annually the OIEC has a Domestic Violence Awareness speaker in October, and a Sexual Assault Awareness speaker in April. This is open to the entire campus community.

In the 2017/2018 school year OIEC spoke to the following groups about Title IX/ Sexual Harassment and reporting requirements:

1. CAPS
2. Resident Directors and Program Assistants
3. SSS Mentors and Tutors
4. Panhellenic Recruitment
5. Student Government Association
6. Resident Assistants
7. PEERS Care
8. All athletic teams
9. Athletics staff
10. WGCU
11. Conduct Board Members
12. IFC Risk Managers (Coming March 2019, specific to consent)
13. Phi Mu Fraternity (specific to sexual assault)
14. Sigma Gamma Rho (specific to domestic violence)
15. Alpha Phi Alpha Fraternity and Alpha Chi Omega Sorority (specific to domestic violence)
16. Living Learning Communities

OIEC partnered with Prevention and Wellness to share facts about Policy 1.006 for their Celebrity Cash Cab program.

OIEC offer an annual Bi-stander intervention training given as part of the Diversity and Inclusion session. This is an activity that highlights several topics, including warning signs of domestic violence relationships.

OIEC has a 9 videos on Title IX on our website. The Presidentially appointed Title IX committee meets every other month.
Regardless of to whom a report is made or the methods utilized, The Title IX Office, within the Office of Institutional Equity and Compliance (OIEC), will investigate the complaints. The Office of Student Conduct, within the Office of the Dean of Students, adjudicates the case.

Investigation: The OIEC is committed to providing prompt, equitable, and thorough investigations by officials who, at minimum, receive annual training on the issues related to dating violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability. The OIEC investigations will be conducted using the evidence that is obtainable at the time of the complaint. The evidentiary standard used by the OIEC is the preponderance of the evidence standard. All investigations conducted by the OIEC are independent of other University-related investigations. Additional information on the investigative process for the complainant and respondent can be found at https://www2.fgcu.edu/equity/rights.html.

Findings: The Complainant and Respondent will simultaneously be provided with a written summary of the investigative findings. The summary will explain what investigative steps were taken by the OIEC as well as an explanation of the ultimate investigative finding. The written summary will also provide the appropriate party with appeal rights. Please Note: The investigative finding will be used as part of the evidence in the event there is a Student Code of Conduct violation and/or hearing. A finding of a violation of this regulation does not automatically equate to a violation of the Student Code of Conduct.

Disciplinary Process: The Division of Student Success and Enrollment Management coordinates all student judicial proceedings through the Office of the Dean of Students. Complete information on the judicial process can be found within the Student Guidebook or regulation FGCU-PR4.002 or at www2.fgcu.edu/studentservices/studentconduct/index.html. If an employee is the respondent, the process within regulation 5.016 will be followed, which can be found at www2.fgcu.edu/generalcounsel/files/regulations/FGCU_PR_5_016_Disc_Actions_091118.pdf.

Students charged with violations of the Code of Conduct will be given adequate notice of the charges and allegations against them, and provided an opportunity to address these charges during a hearing. Victims of sexual misconduct may be asked to provide testimony at the proceedings, and are allowed to submit information which also may be used during the mitigation phase of the sanctioning should the student(s) be found responsible for the charges against them. In cases where the alleged offender’s conduct poses a threat to the university community, the Dean of Students may choose to impose an immediate interim suspension until a hearing can be convened to determine the facts of the case. Both the alleged victim and the alleged offender are allowed to be accompanied by an advisor of their choice during the proceedings, and will be informed of the final outcome of any campus disciplinary hearing. Students found responsible for violations of sexual misconduct will be sanctioned according to the options outlines listed below under Sanctions. University disciplinary proceedings involving sexual misconduct may be held even when formal state charges are not brought.

The Disciplinary hearing process includes the following:

Notice
Any charged student will be given written notice of the alleged violation(s) of the Student Code of Conduct (i.e. Charge Letter) no later than five (5) class days prior to the conduct review conference. The official University email address and/or the address provided by the student to the Registrar’s Office will be used for all correspondence. The hearing officer may place a disciplinary hold on student records prohibiting the registration of any student who fails to respond to an official request from the Dean of Students or designee. All pending disciplinary matters must be resolved prior to the awarding of any degree or certificate. The written notice will include the following:

a) The student’s name, University identification number, and address;
b) A description of the alleged violation(s) including date(s), time(s), and place(s) of the incident(s) and the resulting charges;
c) Source(s) of information;
d) Link to the student’s rights and conduct process in the Student Code of Conduct; and
e) Notice to attend a conduct review conference to clarify rights and procedures.

Conduct Review Conference
a) A Student alleged to have violated the Student Code of Conduct will receive a notice to attend a required conduct review conference with the designated staff of the Dean
of Students’ Office to discuss the charges. The notice shall also state the charged student has the opportunity to inspect all information no less than three (3) class days prior to the conduct review conference and shall provide to the Dean of Students any information related to the charges. The Student may be accompanied by the Student's advisor when inspecting the information and at the Conduct Review Conference. Although the advisor may be present at the Conference, the advisor may not speak on behalf of the Student or otherwise participate.

b) If the student fails to schedule or attend that conference within three (3) class days of receipt of the notice, a hearing will be scheduled for the student according to his or her class schedule.

c) A student who leaves the University or withdraws from a class before a disciplinary matter is resolved will have a hold placed on his or her record that will prohibit the student from future enrollment until such time as the matter is resolved.

d) The student will receive information with the notice regarding the Student Conduct Review Process, including the student's rights and an opportunity to inspect and/or review the information known at the time charges are prepared.

e) At the conclusion of the conduct review conference, the Dean of Students or designee discusses the options for resolution of the disciplinary charge(s). These options are: case dismissal, acceptance of responsibility for the charges or a formal hearing.

(1) If the charges are dismissed, no further action will be taken by the University and the charged student will be notified in writing of the dismissal.

(2) If the charged student chooses to accept responsibility for the charges, the Dean of Students or designee will determine sanctions in accordance with this Code.

The charged student will be notified in writing of the University's acknowledgement of the charged student's acceptance of responsibility and the sanctions to be applied. The Student must sign a form indicating that the student waives his or her right to a hearing.

(3) If the charged student chooses to request a formal hearing, the charged student will be notified in writing of the University's acknowledgment of the charged student's decision to proceed to a formal hearing. The notification will also provide the charged student with information concerning the formal hearing process.

f) The charged student will have 24 hours from receipt of the written notice describing the outcome of the Conduct Review Conference to inform the Dean of Students, by either email notification or by written notice, whether the Student chooses a hearing before a Hearing Officer or the Student Conduct Committee. In circumstances where a case is more complex, the University will determine the type of hearing to be utilized for resolution of the case. This determination will be made at the Conduct Review Conference.

Formal Hearings
There are two types of formal hearings: administrative hearings before a hearing officer and Student Conduct Committee hearings before a hearing body.

a) Administrative hearings shall be conducted by a hearing officer designated by the Dean of Students.

b) The charged student shall be informed of the hearing

Administrative Hearings
a) Administrative hearings shall be conducted by a hearing officer designated by the Dean of Students.

b) The charged student shall be informed of the hearing
The decision of the committee as to “responsibility” will be made in favor of the charged student. The decision will be made by a simple majority vote. In cases of a tie, the decision is based on the preponderance of information and is introduced in the hearing. The decision of responsibility is based on the preponderance of information and is decided by a simple majority vote. In cases of a tie, the decision will be made in favor of the charged student. Previous violations are to be considered only in the sanctioning phase of deliberations.

The hearing body considers only information introduced in the hearing. The decision of responsibility is based on the preponderance of information and is decided by a simple majority vote. In cases of a tie, the decision will be made in favor of the charged student. Previous violations are to be considered only in the sanctioning phase of deliberations.

Student Conduct Committee Hearings

a) The Student Conduct Committee shall include University faculty, staff and Students. Each Student Conduct Committee shall have no less than fifty percent (50%) of its membership include Students.
b) The following order of presentation is recommended for use in Student Conduct Committee hearings. The order of business may be adjusted by the facilitator.
1) Introduction of the hearing body and accused student.
2) Presentation of charges by the Student Conduct Committee facilitator.
3) The student pleads “responsible” or “not responsible” to the alleged violation(s).
4) Opening statement of the charged student.
5) Questions directed to the charged student by the hearing body and/or facilitator.
6) Presentation of material witnesses by the University, followed by questioning of those witnesses by both parties. Each witness is dismissed after questioning.
7) Presentation of material witnesses by the charged student, followed by questioning of those witnesses by both parties. Each witness is dismissed after questioning.
8) The facilitator may limit the length of testimony of any witness or participant in the hearing if the information is redundant or irrelevant to the case.
9) Questions directed to the charged student by the hearing body.
10) Closing statement of the charged student.
11) All persons are excused from the hearing room for deliberations except the hearing body. The facilitator does not participate in the deliberations but may advise the Hearing Body as appropriate.
12) The hearing body considers only information introduced in the hearing. The decision of responsibility is based on the preponderance of information and is decided by a simple majority vote. In cases of a tie, the decision will be made in favor of the charged student. Previous violations are to be considered only in the sanctioning phase of deliberations.
13) The decision of the committee as to “responsibility” and recommended sanctions is given to the facilitator and then to the Dean of Students or designee. The Dean of Students or designee makes the final decision and communicates the decision in writing to the student.
14) The student is informed of the right to appeal the decision of the Hearing Body.

Witnesses

a) It is at the discretion of the hearing officer or committee to call witnesses to support the charges against the charged student in an administrative or Student Conduct Committee hearing proceeding.
b) Character witnesses may provide testimony in the form of a written statement.
c) Witnesses may not also serve as the advisor to a victim or charged student.
d) Each party is responsible for arranging the attendance of witnesses to present testimony.
e) Witnesses may include, but will not be limited to persons who can give a firsthand account of the incident.
f) Witnesses who are victims of acts of violence will testify in accordance with the victim rights provisions of Section H of the Code.
g) A Student’s advisor may not testify as a witness.

Disciplinary Sanctions

a. The following sanctions or combination of sanctions (with or without appropriate modifications) may be imposed upon any student found to be responsible for a violation of the Student Code of Conduct:
1) Reprimand – An official written warning that the student’s behavior is in violation of the Student Code of Conduct, and that if the student is subsequently found responsible for another such violation while on disciplinary warning, subsequent action may be imposed.
2) Community Service Hours – Assignment to perform tasks or services under the supervision of a University department or community service agency.
3) Educational Activities - An assignment of activities including, but not limited to, reflective or research papers and classes or seminars or other such activities that address this subject matter of the violation, as part of a sanction under this Code.
4) Counseling Assessment and Compliance – Referral for assessment (at the student’s expense) to a licensed mental health professional or counseling center for general mental health or other counseling issues. Students found responsible for alcohol, drug or behavioral violations may be referred to the
FGCU Counseling and Student Health Office or to an outside agency or counselor based on the seriousness of the violation. Students must comply with all recommendations established as a result of any assessment resulting from the imposition of this sanction.

5) Restitution – Payment of actual damages or loss of services to the University or the victim.

6) Disciplinary Probation – Disciplinary Probation status for a specific length of time during which the student is considered not in good standing. Restrictive conditions may be imposed as an element of probation and vary according to the severity of the offense. Restrictive conditions include, but may not be limited to, the following: denial of the privilege to occupy a position of leadership or responsibility in any University Registered student organization, publication, or activity, or ability to represent the University in an official capacity or position. If the student is found “responsible” for another violation of the Student Code of Conduct during the period of Disciplinary Probation, a sanction of suspension or expulsion from the University may be imposed.

7) Restrictions – Restrictions may be imposed on a student which include but are not limited to:
(a) Participation in student clubs, groups, activities or events.
(b) Entrance to University Housing areas or any other areas on campus or University property.
(c) Prohibition on contact with a specified person(s) within the University Community.

8) Change in University Housing assignment – removal or reassignment of the student to another location in University Housing.

9) Exclusion or removal from Housing. Exclusion or removal may be permanent or for a specified period of time. If the student is excluded or removed from Housing, the Housing Agreement will be canceled. The Terms and Conditions of the Housing Agreement regarding cancellation fees and proration of rental fees will apply.

10) Removal from the classroom and/or the course - including but not limited to: dismissal from the course or reassignment to another section.

11) Suspension- A period of time when a student may not attend classes, or participate in University related activities, whether the class or activity occurs on or off campus. The Registrar’s Office is instructed to place an overlay on the student’s transcript during the period of suspension indicating the period of suspension. Further, while on disciplinary suspension, a hold will be placed on a student’s record to prevent registration. All assigned educational sanctions must be completed prior to the restoration of student privileges; otherwise the disciplinary suspension will remain in effect.

12) Disciplinary Expulsion- Removes the student from his or her academic program and permanently separates a student from Florida Gulf Coast University without opportunity to graduate or re-enroll. The Registrar’s Office is instructed to permanently place an overlay on the student’s transcript indicating the expulsion. Further, a hold will be permanently placed on a student's record to prevent future registration.

13) Withholding of registration, diplomas, transcripts or other records.

b. The following sanctions may be imposed upon groups or registered student organizations found to have violated the Student Code of Conduct:

1) Those sanctions listed in Section 7(a) above.

2) Disciplinary Suspension or Disciplinary Expulsion of registered student organizations includes temporary or permanent loss of recognized status with the University.

3) Additional sanctions specific to registered student organizations may be found in the organization’s constitution, the Office of Sorority and Fraternity Life, and the Office of Student Involvement policies and a national affiliate, if applicable.

c. Any sanction that separates a student from the University will be noted on that student’s academic transcript. A lesser sanction will not be noted on the transcript. The following notation will be added to the transcript while suspension or expulsion is in effect. “The student is not in good standing with the University. For more information, contact the Dean of Students’ Office.”

d. Decisions regarding falsification of admission or re-admission information may be forwarded to the appropriate office for review of the application and appropriate action regarding admission.

e. A student who fails to complete sanctions will have a disciplinary hold placed on his or her record. This hold will affect the student’s ability to register for classes and the student may receive additional charges under the Student Code of Conduct. Disciplinary holds will not be removed until the sanctions are completed.

f. A student may be asked to provide the hearing officer with a sanction status report.

**Appeal Requests**

The student may appeal the outcome of a conduct hearing in writing within three (3) class days from the date of the decision letter by filing a written appeal. The appeal of the outcome of a residence conduct hearing of the Resident Conduct Committee shall be considered by the Coordinator of Residence Hall Judicial Programs or similarly designated University Official. The appeal of the outcome of a conduct hearing held by the Hearing Officer shall be considered by the Dean of Students. The appeal of the outcome of a conduct hearing held by the Hearing Body shall be considered by the Vice President for Student Affairs. An appeal must be based on one or more of the following grounds:

a) Due process errors involving the University’s failure to provide the student with notice and an opportunity to be heard;

b) The sanction(s) is (are) extraordinarily severe in relation to the offense committed; or

c) New information can be provided that was not available at the time of the original proceeding.
Appeal Hearings

a) The necessity for an appeal hearing will be at the discretion of the University Official to which the Student has appealed. This decision is based on the student’s written information provided in the appeal. If an appeal is granted, the burden of proof rests with the student to show, by a preponderance of the information presented, that the grounds for an appeal have been met.

b) If an appeal is permitted, it will be scheduled within ten (10) class days of receiving the written request for appeal unless good cause exists for deferring the scheduling more than ten (10) class days after receiving the noticed appeal. The student may waive the ten (10) day period and request the appeal be heard at a mutually agreeable time in less than ten (10) days.

c) Recommended sanctions by hearing bodies are reviewed for final action by the appropriate authority as outlined in the Student Code of Conduct.

Appeal Decisions

a) Based on information presented on appeal, the original determination may be upheld, modified, reversed, or a new hearing may be ordered.

b) All appeal decisions are communicated in writing to the student within ten (10) class days of the appeal hearing, unless notification is given that additional time is necessary for consideration of the record on appeal.

c) Except in the case of an Interim Suspension, the student’s academic status will remain unchanged during the appeal or review process; however, University Housing status and other activities may be affected.

d) The appeal decision of the Vice President for Student Affairs is final and the student shall be informed that at the time the appeal decision is communicated he or she may appeal the final decision to an outside judicial forum.

Due Process Rights for Students Impacted by Acts of Violence:

1. An Impacted Person may have one person of his or her choice accompany them throughout the Student Conduct Review process. This person will act as a support person or advisor but will not represent the Impacted Person. Moreover, the person will not be allowed to address the Hearing Officer or Hearing Body on behalf of the Impacted Person.

2. An Impacted Person will receive Notice of the date and time of an administrative hearing no less than five (5) class days prior to the date of the hearing. If the impacted person requests a hearing before a Conduct Board, an Impacted Person will have the option to agree or to request an administrative hearing. Both parties must agree in order for a case to be heard by a Student Conduct Committee who have been specially trained to review cases involving Impacted Persons.

3. An Impacted Person may submit a list of questions related to the alleged incident, prior to the hearing. However, the Hearing Officer or Hearing Body shall not be required to ask these questions of the Respondent.

4. An Impacted Person may not have his or her past conduct, including sexual history, considered when the Hearing Officer or Body is making a determination of responsible or not responsible.

5. An Impacted Person may make a “student impact statement” and offer to the Hearing Officer or Hearing Body a suggestion of what the Impacted Person believes to be an appropriate sanction for the Respondent. This information may be used only in the sanctioning phase of deliberations if the Charged Student or Organization is found responsible for violating the Student Code of Conduct.

6. The Respondent will not be permitted to directly question the Impacted Person. In such cases, the Respondent and the Impacted Person shall submit questions to the Hearing Body. However, the Hearing Body shall not be required to ask questions which have been submitted.

7. Where the student conduct review process involves an Impacted Person, as defined in Article A of the Student Code of Conduct, Federal law provides that both the Impacted Person and the Respondent must be informed of the final outcome of the student conduct review process without a commitment to protect the confidentiality of the information. The “final outcome” means only the final determination with respect to the alleged sexual misconduct or abuse and any sanction(s) that is imposed against the Respondent. If the Impacted Person is deceased, the next of kin shall be considered as the alleged Impacted Person for purposes of this paragraph.

8. Where the Student Conduct Review process involves an Impacted Person, the Impacted Person may appeal the outcome of a conduct hearing in writing within three (3) class days from the date of the decision letter by filing a written appeal. If there is an appeal filed by either the Impacted Person or Respondent, the other involved party will be notified of the filing of the appeal, will have the right to submit a statement or information, will have the right to participate in an Appeal Hearing, if one is held, and will be notified of the final outcome.

Due Process Rights for Charged Student or Organization:

1. The Respondent Student or Organization (Respondent) will receive a fair and impartial hearing in accordance with the requirements of the Code. The Respondent will receive 5 Days’ notice via University email of any hearing, unless waived in writing by the Respondent.

2. The Respondent will receive Notice via University email of the alleged Violations of the Code for which they are being charged. This notice will include the date and approximate location of the incident, if available, as well as a brief description of the alleged incident being adjudicated.

3. Reasonable access to the case file will be provided prior to and during the hearing. The Respondent will have the right to request a conduct review conference be scheduled prior to the scheduled date of the Hearing for the purpose of allowing the Respondent to inspect any and all available documents, discuss the charges and the adjudication process.
4. No participant in the adjudicative process, including the Respondent, Impacted Person, or witness will be required to present testimony that is self-incriminating. In addition, the option of a Student or Organization to avail themselves of this Article will not be considered as an admission of responsibility. A participant’s choice to omit information will not be considered as grounds for appeal.

5. The Respondent may be assisted by one advisor of his or her choice, at his or her own expense. The advisor may be present, but shall not speak for, or present the case for the student, or otherwise participate directly in the proceeding.

6. The Respondent may hear and question witnesses, except any person who is determined to be an Impacted Student under the Student Conduct Code, who are available to provide a statement at the hearing.

7. The Respondent may present relevant information and witnesses, so long as those witnesses have actual knowledge pertaining to the alleged violations at issue. The failure or refusal of a witness to present information at a hearing shall not be grounds for appeal or delay.

8. The standard of proof necessary for a determination that a Violation of any provision of this Code has occurred is a preponderance of the evidence. This means the information presented supports the finding that the Violation more likely than not occurred. All hearings shall be conducted on the basis that the Respondent is not in violation. The burden of proof shall not be upon the Respondent who is subject to the hearing.

9. The Respondent will be notified via University E-mail of the outcome of the hearing within five days from the date of the hearing, unless extenuating circumstances, which are communicated to the Respondent via university e-mail, result in a delay of the decision.

10. The Respondent may appeal the determination of responsibility in accordance with the requirements of Article F of the Code.

SANCTIONS:

Interim Measures
If the Dean of Students, or designee, has reasonable cause to believe a Student poses a serious and direct threat to the safety or well-being of one or more members of the campus community, or to the continued effective operation of the University, an interim measure may be imposed to mitigate or remove the threat. Any interim measure is temporary and shall only be enforced until the completion of adjudication.

The Dean of Students, or designee, may impose one or more of the following sanctions upon any Student or RSO or Organization being found to be responsible for a Violation of the Code.

Administrative Sanctions
Alteration of Student Status - These sanctions alter a Student’s fundamental relationship with the University.

1) Reprimand - An official written disciplinary warning that

the Student’s behavior is in Violation of the Code, and

that if the Student is subsequently found in Violation of a similar policy, additional sanctions may be imposed.

2) Probation - A period of time during which the Student is considered not in Good Disciplinary Standing. Restrictive conditions may be imposed as an element of probation and vary according to the severity of the offense.

Restrictive conditions include, but may not be limited to, the following: denial of the privilege to occupy a position of leadership or responsibility in any University RSO, publication, or activity, or ability to represent the University in an official capacity or position. If the Student is found responsible for another Violation of the Code during the period of Disciplinary Probation, a sanction of suspension or expulsion from the University may be imposed.

3) Suspension - A period of time, not to exceed three (3) years, when a Student may not attend classes or participate in University related activities, whether the class or activity occurs on or off University Premises. The Registrar’s Office is instructed to place a Transcript Overlay on the Student’s transcript indicating the period of suspension. If a suspended Student is found on University Premises during the length of their suspension, the University Police will be notified.

4) Expulsion - Removes the Student from his or her academic program and permanently separates the Student from the University without opportunity to graduate or re-enroll. The Registrar’s Office is instructed to permanently place a Transcript Overlay on the Student’s transcript indicating the expulsion. Further, a Hold will be permanently placed on the Student’s record to prevent registration. An expelled Student is not permitted on University Premises. If an expelled Student is found on University Premises, the University Police will be notified.

Educational Sanctions - Educational sanctions are intended to provide Students with an opportunity to reflect and learn from the Adjudication of a Violation or attempt to restore or promote the academic environment of the University Community. Common educational sanctions include, but are not limited to:

1) Class or Workshop - Required attendance at a class or workshop designed to educate Students as to the risks and consequences of exhibited behaviors. Any assigned classes shall be non-credit and will not be reflected on a Student’s transcript. The Student is responsible for any costs associated with participation in a class or workshop.

2) Counseling Assessment and Compliance - Referral for assessment (at the Student’s expense) to a licensed mental health professional or counseling center for general mental health or other counseling services. The Student found responsible for an alcohol, drug or behavioral Violation may be referred to the University
Counseling and Psychological Services Office or to an outside agency or counselor based on the seriousness of the Violation. The Student must comply with all recommendations established as a result of any assessment resulting from the imposition of this sanction.

3) Exclusion from University Housing - The Student is prohibited from visiting University Housing unless prior approval has been given by the Dean of Students or designee. The Student may be allowed to be present in University Housing conference rooms or academic advising offices, with the prior approval of the Dean of Students or designee.

4) Modification of University Housing Assignment - Reassignment of the Student to another location in University housing.

5) Removal from a Course or Section - Reassignment of the Student to another section of a course or dismissal from a course.

6) Restitution – Payment to compensate for actual damages or loss of services to the University or the Impacted Person.

7) Restorative Service Hours – Assignment to perform tasks or services under the supervision of a University department or community service agency. These hours may not be used to fulfill service learning graduation requirements or the community service requirements of any RSO.

8) Restrictions – Restrictions may be imposed on a Student which include, but are not limited to participation in Student clubs, groups, activities or events; entrance to University Housing areas or any other areas on campus or University Premises; prohibition on contact with a specified person(s) within the University Community;

9) Change in University Housing Assignment – Reassignment of the Student to another location in University Housing.

10) Written Assignment - A designated written activity related to the specific Violation(s).

Sanctions for employees may include:

1. Oral Reprimand
   This is the least severe type of disciplinary action and is administered to bring about a change in inappropriate behavior.

2. Written Reprimand
   A written reprimand is a more significant type of disciplinary action designed to correct continued or more serious offenses.

3. Suspension
   This is a severe form of discipline which can be administered as a step in the progressive and cumulative discipline procedure following one or more written reprimands, or for the first commission of a serious offense. Suspension is defined as an action taken by the University to temporarily relieve the employee of duties and place the employee on leave without pay.

4. Dismissal
   This is the final and most severe form of discipline that can be imposed on an employee.
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### VESTER FIELD STATION

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### HERALD CT. CENTRE, PUNTA GORDA

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Classes for credit started October 2018.
The FGCU Atrium location was an off-campus location that held one class in the spring of 2017, then closed June of 2017. This site, through Campus Security Authorities and local law enforcement, reported no crimes, hate crimes, VAWA crimes, or weapon/drug/alcohol arrests or referrals.

Housing, which exists at the main campus, is a subset of the campus.

Hate Crimes:
2016: one intimidation on-campus, in housing, characterized by religious bias was reported.
2017: one vandalism of property on-campus, in housing, characterized by religious bias was reported.
2018: No hate crimes were reported.

Non-campus locations include West Lake Village. West Lake Village is off-campus housing purchased in October 2010 and accounts for all non-campus statistics. The three other locations, Naples Botanical Gardens, Vester Field station, and Herald Ct. Center, were checked with the local law enforcement agency, as well as the on-site administrative CSA’s, no incidents were reported in the last 3 years.

Crime Statistics: The above charts reflect criminal offenses reported directly to UPD or through other law enforcement agencies or campus security authorities. The Student Right To Know and Campus Security Act requires certain information regarding crime and policies relating to security be prepared, published and distributed to all students, employees and any applicant. These statistics are compiled through the office of the Chief of Police.

Unfounded Crimes:
2016- 2 reportable crimes were unfounded.
2017- 2 reportable crimes were unfounded.
2018- 1 reportable crime was unfounded.

STAY CONNECTED
FGCU ALERT SYSTEM

The FGCU Alert System is a text messaging and email emergency notification system for events on campus. You may register by going to fgcu.edu/alert/
IMPORTANT NUMBERS

ON CAMPUS
EMERGENCY ......................................................................................... 590-1900 or 911
Non-emergency ................................................................................... 590-1900

OFF CAMPUS
Off Campus Police/Ambulance/Fire ...................................................... 911
Abuse Counseling and Treatment (Crisis Line) ................................ 939-3112
Drug Abuse Services ........................................................................ 275-4242
Florida Abuse Hotline ....................................................................... 800-962-2873
Aging and Adult Services .................................................................. 338-1236
Children and Family Services ............................................................. 338-1312
Counseling and Student Health Services ......................................... 590-7950
Poison Information Center ................................................................. 800-222-1222
Rape Crisis Intervention ..................................................................... 939-3112
VISTA (Mental Health, Suicide Prevention) ....................................... 275-4242
State Attorney 20th Judicial Circuit ................................................... 335-2700

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