

Campus Security & Fire Safety Report 2017-2018



fgcu.edu/upd

THE FLORIDA GULF COAST UNIVERSITY POLICE DEPARTMENT



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 10 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. ◆

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 initiated. ◆

REPORTING CRIME AND OTHER EMERGENCIES

For routine or emergency police service on campus, please call 590-1900. For a medical or fire emergency you may dial 590-1900 or 911. Additionally, for emergencies you may use the emergency poles or boxes located throughout campus.

To confidentially or anonymously report a crime, or to provide a confidential tip on a crime, please call the Silent Witness Program at 590-1906 or use the tips option of the Guardian Eagle Safety App. Additionally, a crime reporting form is available to various campus safety authorities, including CAPS, Student Affairs, and the Ombudsman Office, who can assist in filing a confidential report. ◆

MESSAGE FROM FLORIDA GULF COAST UNIVERSITY POLICE DEPARTMENT

The staff of the University Police Department is pleased to provide the 2017 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 assist. If we can be of any assistance, please contact any UPD member you encounter on campus or call, 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. ◆



FGCU Officers with Governor Scott during Hurricane Irma sheltering operation at Alico Arena.

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.

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.

Anonymous Crime Reports and Tips

The Silent Witness Program is a mechanism by which you can anonymously report crime or other incidents to the department. If you wish to anonymously report a crime or other incident, please call 590-1906.

A tip texting feature is available as part of the Guardian Eagle Safety App. Go to the UPD website or <http://www.fgcu.edu/upd/guardian-app.html> to learn about this free app and how to download.

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



FGCU PD received a Florida Law Enforcement Challenge 2017 Traffic Safety Award.

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 is located within Student Affairs and can be contacted at 590-1866.

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 identifying 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

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POLICIES: ALCOHOL, DRUGS, WEAPONS, & SEXUAL HARASSMENT

The first step in providing a safe environment is through the University's policies. They are designed to establish a basis for quality campus life. Their effectiveness is dependent upon all of us collectively promoting safety.

Policies set a standard of conduct which is most conducive to a safe environment. It is not the intent of the University Police and Safety Department to reprint these policies in this booklet, but to give you some general knowledge of those policies which most affect your safety and security here at FGCU. You should consult reference materials as needed.

Alcohol: The legal drinking age in Florida is 21. Therefore, some 20 to 30 percent of undergraduates are not of legal drinking age. The University has established specific policies for drinking on campus and has published these rules in several publications.

The Florida Gulf Coast University Student Guidebook, published by the Division of Student Affairs, Office of the Dean provides guidelines for the sale, possession, and consumption of alcohol. These guidelines require individuals and/or groups to meet specific criteria prior to obtaining approval to hold events on campus where alcohol will be served.

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 an orderly and safe 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.

Weapons: Florida State Statutes 790.115 and FGCU regulation PR9.005 prohibits the carrying of firearms



Officer assists with wildlife safety.

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 weapon or device, destructive device, or other weapon 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 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 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 Affairs; Office of the Dean
For employees, the Human Resources Department; or University Ombudsman ◆

NOTIFICATION OF MISSING RESIDENT STUDENT

Confidential Contact: Students residing in University Housing will be informed annually that they have the option to identify a person designated as a confidential contact to be notified by the University no later than twenty-four (24) hours after the time they are determined to be missing by the designated officials authorized to make that determination, specifically the Florida Gulf Coast University Police Department (FGCUPD).

Missing Resident Student: Missing Student reports may be received by the Office of Housing and Residence Life or the FGCU Police Department. If the Office of Housing and Residence Life receives information that a residential student is thought to be missing, the FGCUPD will be contacted. The FGCUPD will initiate an investigation and make the determination as to whether the student is actually missing and for how long. The FGCUPD in collaboration with the Office of Housing and Residence Life will immediately attempt to locate the student to determine his or her state of health and well-being. These efforts may include, but are not limited to; checking the student's residence hall room, contacting professors, and/or calling the student's cell phone. Should the student be determined to have been missing for 24 hours or more, the designated missing person/emergency contact will be notified by the Director of Housing and Residence Life or his/her designee. In cases where the missing student is under the age of 18 and is not emancipated, the Director of Housing and Residence Life or his/her designee in addition to notifying the missing person/emergency contact will also notify a custodial parent or guardian no later than 24 hours following the determination that the student is missing. This contact will be the parent/guardian listed in the Florida Gulf Coast University Student Information System. ◆

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. ◆



FGCU PD received The Certificate of Reaccreditation on June 21, 2017 from the Commission for Florida Law Enforcement Accreditation.

EMERGENCY NOTIFICATIONS AND EVACUATIONS

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, 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. The emergency notification system is tested on a semester basis. In 2016, the system was utilized for sending emergency messages 6 times and administrative messages 14 times.

The life safety fire drill information and building evacuations procedures can be found at the Environmental Health & Safety website www.fgcu.edu/EHS/lifesafety.html. ◆

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fall and spring semesters. Shuttles run from Housing to the main campus. The shuttles run approximately every 15 minutes. Lee County Transit System (Lee Tran) services the University. For route scheduling, please contact Lee Tran directly at 533-8726 or TDD 277-5037.

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

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 their database. This database may be used to find sex offenders and predators by county, zip code, or by university. That site is located at: <http://offender.fdle.state.fl.us/offender/homepage.do> or call 1-888-357-7332. ◆

UNIVERSITY DISCIPLINARY SYSTEM

The Division of Student Affairs 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.

Students charged with violations of a Student Code of Conduct will be given adequate notice of the charges and allegations against them, and be 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 outlined in the Student Code of Conduct. This can include suspension or expulsion from the University. University disciplinary proceedings involving sexual misconduct may be held even when formal state charges are not brought. ◆

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.

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 & 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 & 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, inspects all components of each system, 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 ◆

LOCATION/CAUSE	DEATHS	INJURY	DAMAGE
2014 Fire Statistics			
North Lake			
Unintentional - Cooking	0	0	<\$100
Unintentional - Electrical	0	0	<\$1,000
South Village			
Unintentional - Cooking	0	0	<\$100
Unintentional - Electrical	0	0	<\$1,000
2015 Fire Statistics			
North Lake			
Unintentional - Cooking	0	0	<\$1,000
South Village			
Unintentional - Hazardous Product	0	0	<\$25,000
West Lake Village			
Unintentional - Cooking	0	0	<\$1,000
2016 Fire Statistics			
North Lake			
Unintentional- cooking	0	0	<\$100
Unintentional - electric	0	0	<\$100
Unintentional- electric	0	0	<\$100
South Village			
Unintentional- cooking	0	0	<\$100
Unintentional- cooking	0	0	<\$100
Unintentional- cooking	0	0	<\$100

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.

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 patrol 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 LOGS

The Police Department, in conjunction with other University departments or local law enforcement agencies, issues campus Safety Alerts promptly when an incident is considered a serious or continuing threat to students or employees. These Safety Alerts 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 data base. The log includes the nature, date, time, and general location of each crime reported to the department. The log is available for review at the Police Department. The information is also provided weekly or as requested to the Eagle News for publication in the school news paper. ◆

ANNUAL REPORT OF CRIME STATISTICS OFFENSE

Crime	2014	2015	2016 On Campus	2016 In Housing	Noncampus	Public Place
Homicide	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0
Forcible Sex Offenses	3	6	4	3	0	0
Rape	3	0	4	3	0	0
Fondling	0	6	0	0	0	0
Non-forcible Sex Offenses	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	3	1	1	0	0	0
Aggravated Assault	1	2	0	0	0	0
Burglary	0	3	1	1	0	0
Motor Vehicle Thefts	1	1	0	0	0	0
Arson	1	0	0	0	0	0
Domestic Violence	1	0	0	0	0	0
Dating Violence	1	3	2	2	0	0
Stalking	0	3	0	0	0	0
Weapons Law Violations						
Arrest	0	0	0	0	0	0
Disciplinary Actions	3	5	1	1	0	0
Drug Law Violations						
Arrest	20	40	38	4	0	0
Disciplinary Actions	213	288	216	180	4	0
Liquor Law Violations						
Arrest	5	0	2	0	0	0
Disciplinary Actions	567	681	535	500	23	0

Housing is a subset of the Campus. No hate crimes were reported in 2014, 2015, or 2016. Noncampus includes West Lake Village, Vester Marine Field Station, Naples Botanical Garden, Veterans Memorial Elementary School, and Rookery Bay Environment Learning Center. West Lake Village is off-campus housing purchased October 2010 and accounts for all noncampus statistics. Collier and Lee County Sheriff's Offices didn't report any crime at noncampus FGCU facilities in the last 3 years.

Crime Statistics: The at left charts reflect criminal offenses reported directly to UPD or through other law enforcement agencies or campus safety 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.

In 2016, 2 reportable crimes were unfounded. ◆



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:

- "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.
- "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.
- "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.
- "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:

- A dating relationship must have existed within the past 6 months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- 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 acquaintanceship 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.

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.

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 the institution and the community. Additional information and resources are available through the FGCU Title IX Guide; Victim's Rights Brochure; Domestic Violence Brochure; and the Victims of Sexual Battery Brochure.

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. 24hr 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. 24hr 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 24hrs 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 & 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. ◆

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



The FGCU Alert System is a text messaging and e-mail emergency notification system for events on campus. You may register by going to <http://www.fgcu.edu/alert/>.



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