



# 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 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 2 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. ◆



Officer Kittleson & Sgt. Jones represent FGCU in June at the Florida Law Enforcement Challenge. FGCU received 2nd place in the DUI Challenge.

## 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 2014, the system was utilized for sending emergency messages three times and administrative messages 41 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](http://www.fgcu.edu/EHS/lifesafety.html). ◆

## 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 Hot line (939-3112). On campus counseling is available through CAPS, 590-7950. ◆



# ANNUAL REPORT OF CRIME STATISTICS OFFENSE

Crime	2012	2013	2014 On Campus	2014 In Housing	2014 Noncampus	Public Place
Homicide	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0
Forcible Sex Offenses	2	3	3	3	0	0
Rape	-	-	0	0	0	0
Fondling	-	-	0	0	0	0
Non-forcible Sex Offenses	0	0	0	0	0	0
Incest	-	-	0	0	0	0
Statutory Rape	-	-	0	0	0	0
Robbery	0	0	2	1	1	0
Aggravated Assault	3	3	0	0	1	0
Larceny 79	71	64	11	2	0	0
Burglary	2	2	0	0	0	0
Motor Vehicle Thefts	0	0	1	0	0	0
0Arson	0	0	1	0	0	0
Domestic Violence	N/A	2	1	1	0	0
Dating Violence	N/A	0	2	2	0	0
Stalking	N/A	4	0	0	0	0
Weapons Law Violations						
Arrest	0	0	0	0	0	0
Disciplinary Actions	2	0	3	3	0	0
Drug Law Violations						
Arrest	7	16	20	3	0	0
Disciplinary Actions	107	121	205	156	3	5
Liquor Law Violations						
Arrest	11	2	5	0	0	0
Disciplinary Actions	839	415	552	490	11	4

Housing is a subset of the Campus. No hate crimes were reported in 2013 or 2014. In 2012, one noncampus vandalism characterized by sexual orientation bias was reported. Noncampus include 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 except one larceny in 2014 at Vester Marine Field Station. That crime was the only one reported by Collier and Lee County Sheriff's Offices.

Crime Statistics: The above 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 2014, 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 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 student with internal and external resources. For more information, contact Lauren Strunk at 239-590-1866 or email at lstrunk@fgcu.edu.

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 bystander 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 Hot-line . . . . . 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/>.



10501 FGCU Boulevard South  
Fort Myers, Florida 33965-6565  
[fgcu.edu](http://fgcu.edu)