

ANNUAL SECURITY & FIRE SAFETY REPORT

2024 – 2025 Campus Police Department



FLORIDA SOUTHWESTERN STATE COLLEGE

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Chief Jerry Connolly



Jerry Connolly, PhD

Chief of Police

Florida SouthWestern State College

The FSW Police Department is accredited through the Commission on Florida Accreditation (CFA) on Law Enforcement and is a full-service police department that provides law enforcement services to the FSW community. Our mission is to reduce crime and the fear of crime by providing a safe environment for everyone at FSW. This means hiring officers and staff who fit our college, providing them with the finest training, equipment, and leadership, and partnering with the campus community to achieve our safety and security goals. With more than 16,000 students and thousands of campus visitors, FSWPD has a big job in keeping four campuses safe. We rely on our sworn officers and exceptional support staff and campus, community, and law enforcement partners to support the secure, inclusive, and welcoming campus environment we all enjoy. Transparency and communication are important to me, and the Annual Security and Fire Safety Guide is FSW's way of keeping the community informed about crime and safety resources. FSWPD provides regular programming to increase the campus community's knowledge of safety and crime prevention, and we take proactive steps to address crimes that are not uncommon on a college campus. My goal for the police department is to become the most progressive, innovative, and professional campus police department in the country. I encourage you to use this guide to advocate for your own personal safety and to assist us in keeping FSW safe.

Go BUCS!

Jerry Connolly

Jerry Connolly

Mission, Values, Vision, and Goals

Florida Southwestern State College (which will be referred to throughout this report as: FSW or college or campus).

We, the members of Florida Southwestern State College Campus Police Department, are committed to the prevention of crime and the protection of life and property; the preservation of peace, order, and safety; the enforcement of laws; and the safeguarding of constitutional guarantees.

We exist to serve all people with respect, fairness, and compassion with community service as our foundation. We hold ourselves to the highest standards of performance and ethics.

To fulfill this mission, the Florida Southwestern State College Campus Police Department is dedicated to providing a quality work environment and the development of its police officers, community service technicians, and staff through effective training and leadership.

This mission is accomplished through the direct provision of traditional law enforcement through our partnership with the Lee, Collier, Charlotte, and Hendry County Sheriff's Offices and the design and delivery of proactive educational, outreach, and crime prevention programs for a broad and diverse campus community. The Campus Police Department maintains excellent working relationships with local law enforcement agencies, including but not limited to Lee, Collier, Charlotte and Hendry County Sheriff's Offices, Florida Highway Patrol, and the Florida Department of Law Enforcement. Criminal activity at off-campus locations are monitored and recorded through local law enforcement agencies.

Additionally, the Campus Police Department provides services, develops programs, and trains its staff members with sensitivity to the unique concerns of the college community. Police officers enforce institutional policies and are the conservators of safety on all campuses.

Values

In carrying out its stated mission, all members of the department strive to embrace the following core values:

**INTEGRITY
COMPASSION
ACCOUNTABILITY
PROFESSIONALISM**

As a member of the Florida Southwestern State College Campus Police Department, I will treat our customers with integrity and compassion. I am accountable for all my actions and am committed to professionalism.

Vision

Our vision is to maintain a staff of well-equipped, highly-trained, professional members to provide the highest level of customer service with a sense of urgency. While providing comprehensive services, we will be transparent in our actions. Utilizing cutting-edge technology, we will continue to proactively reduce crime and enhance the quality of life to ensure Florida Southwestern State College is a safe and attractive place to learn, work, and visit.

Goals

Increase policing coverage for the college community by expanding programs currently offered and adding new services as required.

Increase communications by routinely publishing information on crime prevention and awareness, and by providing educational programs to increase the community's knowledge and safety as it relates to campus safety and policing services.

Meet the challenges of maintaining and improving policing services by aggressively seeking, employing, and retaining high-quality police professionals.

Continually train all police officers to be knowledgeable of current policy and procedures. Ensure that the Campus Police Department members represent the constituency it serves and does not discriminate.

Maintain and upgrade communications, alarm and surveillance systems, and other safety and security equipment needed to effectively provide comprehensive safety and security service.

FSW is committed to providing a safe working and learning environment for the protection of all members of the College community and to ensure compliance with federal legislation. FSW has developed a Critical Incident Response Plan (CIRP), which outlines key operational responsibilities in the event of an emergency on campus. Emergency response and evacuation procedures are identified in the CIRP and are to be followed in the event of a campus emergency. The CIRP identifies key emergency support responsibilities as coordinated with the appropriate FSW Departments, as well as local, state, and federal agencies.



Campus Security Authorities

Campus Security Authorities (CSA) include the Campus Police Department administrators, community service technicians, and non-police personnel (e.g., campus contract security personnel, personnel providing access control and/or athletic events or other special events, Resident Directors and Assistants, and other similar positions). In addition, any FSW official with significant responsibility for student and campus activities is considered a CSA. CSAs are responsible for reporting crimes to the Campus Police Department, including crimes where the victim chooses to remain anonymous. Pastoral counselors and mental health or professional counselors are not considered CSAs when acting in the scope of their capacity as a pastoral counselor or the scope of the professional counselor's license or certification.

Specialty Units

K-9 Units:

Assist in the detection of unwanted substances such as bomb materials or illegal drugs, and are state certified for tracking. A demonstration may be requested for your organization via the:

Lee County Sheriff's Office – 239-477-1000

Collier County Sheriff's Office – 239-252-9300

Charlotte County Sheriff's Office – 941-639-2101

Hendry County Sheriff's Office – 863-674-4060

Investigators:

Conduct follow-up investigations on police reports completed by the Campus Police Department on all FSW controlled properties.

Community Service Technicians (CSTs):

Well trained, unarmed, non-sworn officers assigned to Florida Southwestern State College can take reports for non-criminal events but facilitate access to local law enforcement, provide escorts, and respond to injured or ill persons and other minor incidents.

Forensic Technicians:

Document, photograph, collect evidence at crime scenes, and are responsible for the proper management, maintenance, dissemination of all evidence, safekeeping of property, and lost and found property.

Lee County Sheriff's Office – 239-477-1000

Collier County Sheriff's Office – 239-252-9300

Charlotte County Sheriff's Office – 941-639-2101

Hendry County Sheriff's Office – 863-674-4060

Law Enforcement Analysts:

Develop tactical and strategic plans for addressing crime, developing and disseminating criminal intelligence bulletins, and supporting law enforcement investigative personnel with tasks associated with crime detection, such as crime mapping. For more information on crime statistics on and near campus, go to <https://www.fsw.edu/campuspolice>.



Campus Police Statistics

The Campus Security Act Requires Colleges and Universities to:

- Publish an annual report by October 1 that contains three years of campus crime and fire statistics, certain campus security policies, and fire prevention statements.
- Disclose crime statistics for campus, public areas immediately adjacent to or running through the campus, non-campus facilities, and remote classrooms.
- Issue campus alerts to provide the campus community with information necessary to make informed decisions about their health and safety.
- Publish on-campus housing fire statistics and fire drills from the previous year.
- Compile, prepare and distribute this report by working with local law enforcement and other college officials who have significant responsibility for student and campus activities.

Members of the FSW community are encouraged to use this report as a guide for safe practices on and off campus. The Annual Security and Fire Safety Report is published by the FSW Campus Police Department and is available online at <https://www.fsw.edu/campuspolice>.

The policies and statistics are compiled in an Annual Security and Fire Safety Report prepared by the Campus Police Department. The Campus Police Department policy requires campus crime data, relative to the Clery Act, to be compiled electronically and submitted annually to the Department of Education.

Crime statistics are gathered for buildings owned or controlled by FSW that are used for institutional and educational purposes, as well as public property within or immediately adjacent to and accessible from campus. This data is compiled through reports made to local law enforcement agencies and the Campus Police Department. Fire statistics are compiled by gathering reports from FSW and Lee County Fire Departments. For a printed copy of this report, please visit the FSW Campus Police Department located at Lee Campus 8099 College Parkway Fort Myers, FL, Charlotte Campus 26300 Airport Road Punta Gorda, FL, Collier Campus 7505 Grand Lely Drive Naples, FL, Hendry Glades Campus 1092 Cowboy Way LaBelle, FL or one may be requested by emailing publicsafety@fsw.edu.

The Higher Education Opportunity Act (HEOA) (Public Law 110-315) This Act requires that all information be reported annually to the campus community and encourages the

prevention of similar episodes. Information is to be collected from all student housing residences owned by the college. Fire safety education and training is encouraged for all members of the campus community.

To keep in compliance with "The Campus Fire Safety Right-to-Know Act of 2007," all fire incidents need to be reported to the Campus Police Department for the college. It is the responsibility of the Campus Police Department to provide an annual fire report that contains the safety practices and standards set by the college.

The fire safety report includes all on-campus fires, date, time, location, causes, number of fire drills, the number of deaths resulting from a fire, the number of people requiring medical treatment as a result of the fire, and an approximate value of property damaged during a fire. This report also defines how a fire shall be reported by the campus community to the Campus Police Department and any fire prevention services and other services that are available to the campus community.

Fire statistics are provided along with descriptions of the fire safety systems installed for all residential buildings belonging to the college. The statistics for the college include the cause of the fire, property damage, injuries, and deaths. A copy of the report can be picked up at the Campus Police Department FSW Campus Police Department located at Lee Campus 8099 College Parkway Fort Myers, FL, Charlotte Campus 26300 Airport Road Punta Gorda, FL, Collier Campus 7505 Grand Lely Drive Naples, FL, Hendry Glades Campus 1092 Cowboy Way LaBelle, FL, Monday through Friday, 8:00 a.m. to 4:30 p.m. The report will be posted, can be viewed, and printed from the Florida Southwestern State College website.



Lee Campus															
CLASSIFICATION	2022					2023					2024				
	On Campus	Student Housing	Non Campus	Public Property	LCSO ¹	On Campus	Student Housing	Non Campus	Public Property	LCSO ¹	On Campus	Student Housing	Non Campus	Public Property	LCSO ¹
Criminal Offenses															
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Burglary	0	0	0	0	0	1	0	0	0	0	4	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses															
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals															
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Drug Law Violations	15	13	0	0	0	0	0	0	0	0	0	1	0	0	0
Liquor Law Violations	5	0	0	0	0	10	0	0	0	0	1	6	0	0	0
Arrests															
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Clery Crimes Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other															
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hazing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Footnote 1:

Crime statistics displayed in the LCSO column reflect crimes directly reported to the Lee County Sheriff Department (LCSO) and not to FSW College Campus Police Department but which occurred on or in buildings or property owned or controlled by FSW. In some cases, the location a crime reported to the LCSO is not identified to a specificity which allows FSW to denote the crime in one of the four Clery geography definitions.

Charlotte Campus															
CLASSIFICATION	2022					2023					2024				
	On Campus	Student Housing	Non Campus	Public Property	CCSO ¹	On Campus	Student Housing	Non Campus	Public Property	CCSO ¹	On Campus	Student Housing	Non Campus	Public Property	CCSO ¹
Criminal Offenses															
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses															
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals															
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arrests															
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Clery Crimes Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other															
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hazing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Footnote 1:

Crime statistics displayed in the CCSO column reflect crimes directly reported to the Charlotte County Sheriff Office (CCSO) and not to FSW College Campus Police Department but which occurred on or in buildings or property owned or controlled by FSW. In some cases, the location a crime reported to the CCSO is not identified to a specificity which allows FSW to denote the crime in one of the four Clery geography definitions.

Collier Campus															
CLASSIFICATION	2022					2023					2024				
	On Campus	Student Housing	Non Campus	Public Property	CCSO ¹	On Campus	Student Housing	Non Campus	Public Property	CCSO ¹	On Campus	Student Housing	Non Campus	Public Property	CCSO ¹
Criminal Offenses															
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses															
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals															
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arrests															
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Clery Crimes Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other															
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hazing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Footnote 1:

Crime statistics displayed in the LCSO column reflect crimes directly reported to the Collier County Sheriff's Office (CCSO) and not to FSW College Campus Police Department but which occurred on or in buildings or property owned or controlled by FSW. In some cases, the location a crime reported to the CCSO is not identified to a specificity which allows FSW to denote the crime in one of the four Clery geography definitions.

Hendry/Glades Center															
CLASSIFICATION	2022					2023					2024				
	On Campus	Student Housing	Non Campus	Public Property	HCSO ¹	On Campus	Student Housing	Non Campus	Public Property	HCSO ¹	On Campus	Student Housing	Non Campus	Public Property	HCSO ¹
Criminal Offenses															
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses															
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals															
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arrests															
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Clery Crimes Reports	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other															
Hate Crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hazing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Footnote 1:

Crime statistics displayed in the HCSO column reflect crimes directly reported to the Hendry County Sheriff's Office (HCSO) and not to FSW College Campus Police Department but which occurred on or in buildings or property owned or controlled by FSW. In some cases, the location a crime reported to the HCSO is not identified to a specificity which allows FSW to denote the crime in one of the four Clery geography definitions.

Definitions

Locations

Crime statistics are reported according to the following geographical categories: on-campus and on-campus residential, non-campus building or property, and public property. The following definitions apply to these geographic categories:

Campus: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to the institution's educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Non-campus Building or Property: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution. Study abroad program locations are included in this geographic category as well.

Public Property: All public property, including streets and sidewalks that are immediately adjacent to and accessible from the campus.

Crimes

For use in classifying criminal offenses:

Murder/Non-negligent Manslaughter: The willful, non-negligent killing of a human being by another. This includes any death caused by injuries received in a fight, argument, quarrel, assault, or commission of a crime.

Negligent Manslaughter: The killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury results from an aggravated assault when a gun,

knife, or other weapon is used, which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary: The unlawful entry of a structure to commit a felony or a theft. This includes attempted acts as well.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, or possession or use of intoxicating alcoholic beverages, not including driving under the influence and drunkenness.

Drug Law Violations (Sale and Possession): The unlawful cultivation, manufacturer distribution, sale, purchase, possession, transportation, or importation of any controlled substance, or the unlawful manufacture, sale, purchase, or transportation of equipment or devices used for preparing and/or taking drugs or narcotics (drug paraphernalia).

Weapons Law Violations: The violation of state laws or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Crime definitions for sexual assault, domestic violence, dating violence, and stalking are located under the VAWA section of this guide.

FSW Crime and Fire Log:

<https://www.fsw.edu/campuspolice/crimelog>



FSW Alert



What is FSW Alert?

FSW Alert is a multimedia communication system that provides timely and accurate information about emergency situations that could impact the College and is activated primarily for life safety situations.

The Campus Police Department determines which communication tools will be used during an emergency. If this department receives information about an immediate threat to the FSW campus, they will confirm that a threat exists, determine the appropriate segment or segments of the campus community to receive the information, if the threat is limited to a certain building or segment, as well as determine the content of the notification and initiate some or all of the notification systems as described below. These entities work together to provide timely and accurate information to the FSW community. All incidents will be evaluated on a case-by-case basis to determine if a serious or ongoing threat to the community exists. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other FSW community members, and an FSW Alert would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred; thus, there is no ability to distribute an FSW Alert to the community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred when it was reported, and the amount of information known by the Campus Police Department.

FSW will immediately notify the campus community, upon the confirmation of a significant emergency or dangerous situation occurring on FSW's campuses, which involve an immediate threat to the health or safety of students, faculty, and staff so that they may take reasonable precautions for safety unless the notification at that time will compromise efforts to contain the emergency. Only authorized personnel can operate, activate, or de-activate the FSW ALERT System.

Each individual who has the authority to activate the FSW Alert system has the responsibility of ensuring that it is activated primarily for life safety situations and is not used for routine notifications. Depending on the scale and type of emergency, some or all systems will be used for emergency notifications. The deactivation of the FSW Alert system will be done in stages, depending on the scale and type of emergency. A large-scale emergency will require that some FSW Alert systems remain active until the entire

FSW community is aware of its current status. For example, the FSW Emergency Home Page may be used to provide information to faculty and staff members, and students after the campus has been deemed safe by the appropriate authority. Incidents which prompt an FSW Alert include, but are not limited to:

Any of the Clery Reportable Crimes (murder and non-negligent manslaughter, negligent manslaughter, forcible sexual offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson)

- An outbreak of a serious illness
- Approaching tornado, hurricane, or other extreme weather condition
- Earthquake
- Gas leak
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil unrest or rioting
- Explosion
- Nearby chemical or hazardous waste spill

FSW Alert features several communication tools, including emails, text messages, web updates, social media, and more (see full notification list below). These notification procedures are tested on an annual basis. These tests will be announced OR unannounced. In accordance with federal law, a summary of at least one test will be published on an annual basis.

At all times, the best source for official news and information is the FSW website <https://www.fsw.edu/>. Members of the larger community, such as parents or campus neighbors, can visit the FSW website to receive campus emergency information. The site will be updated during an emergency as information becomes available. Follow-up information pertaining to emergencies on campus will be disseminated using some or all of the notification systems described below. For questions about FSW Alert and how it is used, contact the FSW Campus Police Department at 239-498-9203.

Primary Notifications:

These are the primary and immediate ways the campus community will be notified about an emergency on campus:

FSW Alert System: FSW Alert is a free service available to all current students, parents, faculty, and staff of Florida Southwestern State College. To learn more visit www.FSW.edu/alert. The Chief of Police, or a designee, have the authority to create messages for this system. Florida Southwestern State College sends text messages to all registered cell phones and email accounts to inform students of emergencies and give them instructions to follow.

Email: Students, faculty, and staff are provided a free email account through the college. The Chief of Police, or a

designee, have the authority to create and send messages for this system.

FSW Home Page (FSW.edu): The FSW home page will be utilized to provide updates, instruction, and information to the FSW community during a major emergency. The Chief of Police, or designee, have the authority to create messages and coordinate publication with the Chief Communications Officer.

Secondary Notifications:

These are other options FSW may use to keep the campus community informed of current events regarding an emergency on campus. Individual or all systems will be used depending on the scale and size of the emergency.

400 MHz two-way radios: Employees on campus who utilize two-way radios for routine business (police officers, facility operations, housing, and information technology) will also receive alerts and warnings via their radios. The Chief of Police or a designee, have the authority to create messages for this system.

FSW main phone line (239-489-9300): Recorded messages of current events and instructions will be posted here. The Chief of Police or a designee has the authority to create messages for this system.

Vehicle public address speaker: When an isolated or targeted message may be required, college vehicles equipped with public address speakers (e.g., FSW PD vehicles) may utilize this method. The Chief of Police, or a designee, has the authority to create messages for this system.

Media Release or Press Conference: Depending on the nature and severity of the emergency, the local media may post breaking news or periodic updates regarding an emergency at FSW. The Vice President of Administrative Services, Chief of Police, Executive Director of Marketing and Media, or a designee, has the authority to create messages. FSW Marketing and Media shall approve and/or issue the messages in coordination with the Campus Police Department if warranted.

Facebook: Keep up with FSW news and also receive notifications through <https://www.facebook.com/FSWCollege/>. The Vice President of Administrative Services, Chief of Police, Executive Director of Marketing and Media, or a designee, have the authority to create messages.

Twitter: Keep up with FSW news and also receive emergency notifications through <https://twitter.com/fswcollege>. The Vice President of Administrative Services, Chief of Police, Executive Director of Marketing and Media, or a designee, have the authority to create messages for this system.



What should I do when I receive an emergency notification?

This will depend on the message that you receive, where you are at the time, and the emergency situation. If you are on campus and hear or receive one of the following, please obey these instructions:

Building Evacuation Procedures:

- Leave the building immediately when an alarm sounds or if you are instructed to do so by authorized emergency personnel
- Notify others on your way out
- Turn off equipment
- Secure hazardous operations, if possible
- Take important personal items
- Close doors behind the last person out
- Walk quickly to the nearest safe exit
- Do not use elevators unless authorized emergency personnel tell you to do so
- Do not re-enter the building until authorized emergency personnel give the "All Clear" signal from authorized emergency personnel
- Move away from the building
- Go to your evacuation meeting site and sign in
- Notify emergency personnel if anyone is waiting for assistance

Even if you were not in your building when it was evacuated, go to your evacuation meeting site so someone can account for you.

If you are required to leave the building immediately but are unable to do so (because of a physical disability, injury, or obstruction):

- Go to the nearest area where there are no hazards, such as a stairwell
- Notify the Campus Police Department at 239-489-9203 or call 911
- Signal out the window to emergency responders, if possible
- Remain calm. Responders will arrive
- Instructors and supervisors should be proactive and be aware of people who will need assistance.

Assisting Blind/Visually Impaired:

- Clearly announce the type of emergency
- Offer your arm for guidance
- Tell the person where you are going and alert him/her to obstacles along the way

Assisting Deaf/Hearing Impaired:

- Turn lights on and off to gain the person's attention
- Indicate directions with gestures or a written note
- Assisting Mobility-Impaired/Wheelchair Users:
- Elevators should not be used to move people with disabilities

- Seek volunteers to assist students/personnel with physical disabilities to the nearest enclosed stairway or designated areas for rescue assistance
- One individual should remain with the person(s) if it can be done without unreasonable personal risk
- Others should advise emergency personnel of the location so that the evacuation can be completed
- If an imminent danger situation exists and the person requests assistance in evacuation before emergency personnel can arrive, assist in finding volunteers to evacuate the person per his/her instructions

Shelter in Place:

Sheltering in place provides protection from external hazards and minimizes the chance of injury and/or provides the time necessary to allow for a safe evacuation. "Shelter in place" simply means to enter or remain in the nearest building until it is deemed safe to go outside. This should be done by selecting a small, interior room, if possible, with no or as few windows as possible. When authorities issue directives to shelter-in-place, do not walk outdoors, take refuge indoors immediately.

A shelter-in-place order may be issued for several reasons:

- Active Shooter
- Severe weather
- Hazardous materials
- Civil Unrest
- Hostage situation
- Or any situation where it is best for you to stay where you are to avoid any outside threat

When a shelter-in-place notification occurs:

- Remain CALM
- Faculty should recommend to students and others not to leave or to go outside
- If you are in a dorm room, remain there
- Select a small interior room with no as few windows as possible
- Close and lock all windows, exterior doors, and any other openings that lead to the outside
- Stay away from all windows, doors
- Facilities Management personnel should shut down all building ventilation fans and air conditioners when and if appropriate

If you are told there is a danger of explosion:

- close the window shades, blinds, or curtains
- Select interior room(s) above the ground floor, with the fewest windows or air vents
- Room(s) should have adequate space for everyone to be able to sit down comfortably
- Avoid overcrowding by selecting several rooms when necessary.

For severe weather and civil unrest:

- Stay inside and move away from windows
- Close and lock all exterior doors and offices
- For extreme weather, relocate to lower levels in the building

For external chemical, biological or radiological incidents:

- Stay inside and move to an inner corridor or office
- Facilities Management personnel or trained Crisis Coordinators may shut down all building ventilation fans and air conditioners, when necessary and appropriate
- Since many chemical agents are heavier than air and tend to hold close to the ground, move to higher levels of the building if possible to reduce the transfer of contaminated air from outside to inside
- Remain alert for instructions and updates as they become available from the emergency personnel and College administrators

Reporting Criminal Incidents & Other Emergencies

All students, employees, and guests should promptly and accurately report crimes in progress, life and death situations, crashes with injuries, and other suspected emergencies or dangerous situations to 911.

Dialing 911 on campus will contact an Emergency Communications Center (ECC) within your geographic location. Specify your location if you are calling from a cellphone. Stay on the line until the dispatcher locates your jurisdiction and tells you to hang up.

To report a crime or emergency on campus, members of the campus community are to call the Campus Police Department at 239-489-9203 (non-emergency) or 911 (emergency). Members of the campus are verbally encouraged to accurately and promptly report a crime to Campus Police Department. Incidents should be reported even when the victim of a crime elects to or is unable (physically/mentally) to make such a report. FSW police officers will assist the FSW community and visitors in contacting an appropriate law enforcement agency where the crime may have occurred if needed.

Crimes should be reported directly to the Campus Police Department for the purpose of making timely warning reports and annual statistical disclosure. Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported immediately to the Campus Police Department. The Campus Police Department maintains Daily Crime and Fire logs, which are accessible to the public and can be viewed at <https://www.fsw.edu/campuspolice>.

The Campus Police Department is responsible for investigating all criminal activity that occurs on campus.

Voluntary Confidential Reporting

FSW has several methods for individuals to report crimes and other serious incidents on a voluntary and confidential basis. If you are the victim of a crime and do not wish to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report to the Campus Police Department at 239-489-9203. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community of potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the College. Pastoral and professional counselors, when they deem appropriate, may or may not inform individuals of procedures to report crimes on a voluntary, confidential basis.

FSW community members and/or guests may also contact Southwest Florida Crime Stoppers at 1-800-780-TIPS (8477) to remain anonymous.



Security of and Access to College Facilities

Many cultural and athletic events held at the College facilities are open to the public. Other facilities, such as the bookstore, libraries, and cafeterias, are also open to the public. Access to academic and administrative facilities on campus is generally open to students, employees, and visitors for the purpose of study, work, teaching, and conducting other College business during regular business hours. Security in academic and administrative facilities is conducted through routine patrols by FSW police officers.

Access to residential facilities is limited to building residents and their guests. Residence hall access is maintained through student ID card access. The security of residence halls is supported through residence life staff, which encourages residents to maintain a secure living environment. FSW police officers conduct patrols of residential facilities to monitor security and safety measures.



AI Gun Detection Software

ZeroEyes delivers a proactive, human verified, AI gun detection software solution that integrates into existing digital security cameras. This technology helps mitigate mass shootings and gun-related violence by reducing response times and providing actionable intelligence with images. By delivering clarity among chaos this ultimately saves lives.

Maintenance of Campus Facilities

College facilities are well-maintained, and in the interest of students, faculty, and staff, security is given considerable attention. Campus Police Department works closely with the Facilities Department to address physical security concerns such as burned out lights or malfunctioning door locks so these issues are promptly repaired.

Campus Safety Alert/Crime Alert Bulletin

The College relies upon its close working relationships with local law enforcement agencies to receive information about incidents involving FSW students. The Campus Police Department actively investigates any crime tip received. When notified of incidents that represent a serious and continuing threat to the campus community, a Campus Safety Alert or a Crime Alert bulletin is released detailing the incident and providing tips for others to avoid similar situations.

Incidents are assessed on a case-by-case basis for issuing a Crime Alert bulletin. Such factors as the nature of the crime and the continuing danger to the campus community are used to determine the need for a warning. Typically, Crime Alerts are issued for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: major incidents of arson, criminal homicide, and robbery. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the Campus Police Department. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other FSW community members, and a Crime Alert bulletin would not be distributed.

In cases involving sexual offenses, they are often reported long after the incident occurred; thus, there is no ability to distribute an immediate emergency notification to the community.

Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred when it was reported, and the amount of information known by the Campus Police Department. If deemed necessary, a Crime Alert bulletin may be distributed, providing tips for

others to avoid similar situations. The Chief of Police, or a designee, reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Crime Alert is warranted. Crime Alerts may also be posted for other crime classifications, as deemed necessary.



Crime alerts are usually written by the Chief of Police, Executive Director of Marketing and Media, or a designee, and distributed through the listed notification systems in the FSW Alert system section of this report.

Missing Persons:

In compliance with Clery Act requirements, FSW will notify the emergency contact or a parent or guardian within 24 hours of when a student living in an on-campus residential facility is determined missing.

If any member of the FSW community has reason to believe a student residing at FSW has been missing for 24 hours, they should contact the Campus Police Department immediately at 239-489-9203. The Campus Police Department will generate a missing person report and initiate an investigation. The Campus Police Department will assist any law enforcement agency's investigation if requested by that agency.

Student missing person contact information is confidential and is only accessible to authorized campus officials. Contact information will not be disclosed to anyone except law enforcement personnel in order to further a missing person investigation.

If the student has a designated contact person and they are determined to be missing, FSW will notify that contact person within 24 hours. For persons under age 18 and not emancipated, FSW will notify a parent or guardian as well as any additional contact persons designated by the student, within 24 hours of the determination that the student is missing.

Reporting Hate Crimes:

A hate/bias crime is a crime that shows evidence that the victim was intentionally selected due to the perpetrator's bias against the victim. All CSAs are required to report hate crimes by category of prejudice, geographic location, year the incident was reported, and category of crime, including any crime perpetrated on the basis of prejudice that results

in bodily injury. The following categories of crime statistics for the campus, non-campus properties, and public property areas that are reported to the Safety and Security Department and Campus Security Authorities must be disclosed for the most recent three calendar years.

- Homicide: Murder/Non-negligent Manslaughter, Negligent Manslaughter
- Sex Offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Domestic Violence
- Dating Violence
- Stalking
- Larceny-theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism

Hate crimes must be reported by category of prejudice:

- I. Race
- II. Gender
- III. Gender Identity
- IV. Religion
- V. Sexual Orientation
- VI. Ethnicity
- VII. National Origin
- VIII. Disability

OC = ON CAMPUS

NC = NON-CAMPUS

PP = PUBLIC PROPERTY

CR = CAMPUS RESIDENTIAL FACILITY

Campus Sex Crimes Prevention Act

Florida Southwestern State College ("FSW") is anchored by showing respect for the dignity and rights of all persons. A core value in this community is to maintain a safe and respectful environment for all individuals that is free of sexual and gender-based misconduct. This policy contains specific procedures for the prevention of and response to violations involving sexual and gender-based misconduct, as defined herein.

The Violence Against Women Reauthorization Act of 2013 (VAWA)

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination on the basis of the sex of students and employees of educational institutions that receive federal financial assistance. Title IX reads: "No person in the United States, shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance..."

Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX). Members of the FSW community, guests, and visitors all have the right to be free from Sexual Misconduct.

Further, FSW has a responsibility to respond quickly and effectively when the College becomes aware of Sexual Misconduct. FSW is committed to the prevention of all forms of Sexual Misconduct as well as to the protection and rehabilitation of victims of such acts. Investigations by FSW of reported Sexual Misconduct will be impartial and strive for reliability, with responses to reported misconduct aimed at adequately stopping the behavior, preventing its recurrence, and addressing its effects. Therefore, when a Responding Party is found to have engaged in Sexual Misconduct, serious disciplinary sanctions will be assigned with the goal of ensuring the misconduct stops and is not repeated.

Additionally, individuals who engage in such behavior who are not students (including visitors to campus and/or individuals engaged in College-affiliated programs or services) are subject to sanctions, which may include loss of privileges, limitations on College access, and reports to the Campus Police Department or appropriate law enforcement agencies.

This policy applies to all members of the FSW community. The FSW community includes current undergraduate students, staff and faculty, administration, and any third parties interacting with students, staff, faculty, or administration of FSW. The policy covers members of the FSW community regardless of age, race, or gender. This policy covers all activities that occur on FSW's campuses or at its facilities and regional campuses or extension sites, as well as activities off-campus where members of the FSW community are involved. It covers all relationships, including but not limited to: student with a student, student with staff and faculty, student with administration, a student with third parties, staff and faculty with staff and faculty, staff and faculty with administration, staff and faculty with third parties, administration with administration, administration with third parties. It covers all FSW related programs and events, both on and off-campus, including international programs.

Definitions

Sexual and gender-based misconduct ("Sexual Misconduct") is any non-consensual sexually coercive

behavior. It is a spectrum that includes everything from actual physical acts, such as non-consensual sexual contact and non-consensual intercourse, to unwelcome or offensive sexual advances, requests for sexual favors, unwanted or uninvited verbal suggestions or comments of a sexual nature.

Additionally, coercive behavior, including suggestions that academic or employment reprisals or rewards will follow the refusal or granting of sexual favors, or conduct that unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive work environment are considered Sexual Misconduct.

The following descriptions provide context about the various forms in which Sexual Misconduct can manifest. This list is not intended to be exhaustive, and acts that are not necessarily on this list may still constitute behaviors prohibited by FSW's honor code, community standards, and this policy.

Consent: All forms of Sexual Misconduct involve the absence of affirmative consent on the part of the victim. Affirmative consent is an unambiguous agreement between all parties to engage in a particular activity. The following guidelines are listed to assist all members of the FSW community in understanding the basis for and parameters of effective consent:

- Consent is clear, knowing, and voluntary.
- Consent is active, not passive.
- Silence or an absence of resistance does not imply consent.
- A prior sexual history between the complainant and respondent does not constitute consent. Past consent does not imply future consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time.
- Effective consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity -- who, what, when, where, why, and how sexual activity will take place.
- It is the responsibility of the initiator of the sexual activity to obtain consent.
- Consent cannot be procured by the use of physical force, threats, intimidating behavior, or coercion.
- Physical force includes but is not limited to hitting, punching, kicking, scratching, shoving, and restraining. Coercion means exerting unreasonable pressure on a person to engage in any activity by putting that person in fear of negative consequences in order to compel the person to act against his or her will. The use of one or either such tactics to obtain consent will invalidate any consent given.

- An individual under the legal age cannot give effective consent.
- An individual who is asleep, who is mentally disabled, or who is incapacitated by reason of impairment from voluntary or involuntary consumption of alcohol, drugs, or any other substance cannot give effective consent.
- Any time sexual activity takes place between individuals, those individuals must be capable of controlling their physical actions and be capable of making rational, reasonable decisions about their sexual behavior.
- Any attempted acts of sexual misconduct or assault are also violations of this policy.

Sexual Assault: is defined by the Department of Education as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape: is defined as 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. This offense includes the rape of both males and females. Regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent.

Fondling: is defined as the touching of the private parts of another person for the purposes 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.

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

Statutory Rape: is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent.

Rape and sexual assault are called "**Sexual Battery**" under Florida criminal law.

Fla. Stat. § 794.011 Sexual battery:

- (1) As used in this chapter:
 - (a) "**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.

- (b) **"Female genitals"** includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.
- (c) **"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.
- (d) **"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.
- (e) **"Offender"** means a person accused of a sexual offense in violation of a provision of this chapter.
- (f) **"Physically helpless"** means unconscious, asleep, or for any other reason, physically unable to communicate unwillingness to an act.
- (g) **"Retaliation"** includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.
- (h) **"Serious personal injury"** means great bodily harm or pain, permanent disability, or permanent disfigurement.
- (i) **"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.
- (j) **"Victim"** means a person who has been the object of a sexual offense.
- (k) **"Physically incapacitated"** means bodily impaired or handicapped and substantially limited in the ability to resist or flee.

(2)(a) A person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of a person less than 12 years of age commits a capital felony, punishable as provided in ss. 775.082, and 921.141. In all capital cases under this section, the procedure set forth in s. 921.1425 shall be followed in order to determine a sentence of death or life imprisonment. If the prosecutor intends to seek the death penalty, the prosecutor must give notice to the defendant and file the notice with the court within 45 days after arraignment. The notice must contain a list of the aggravating factors the state intends to prove and has reason to believe it can prove beyond a reasonable doubt. The court may allow the prosecutor to amend the notice upon a showing of good cause.

(b) A person less than 18 years of age who commits sexual battery upon, or in an attempt to commit sexual battery

injures the sexual organs of a person less than 12 years of age commits a life felony, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(3) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury commits a life felony, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(4)(a) A person 18 years of age or older who commits sexual battery upon a person 12 years of age or older but younger than 18 years of age without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(b) A person 18 years of age or older who commits sexual battery upon a person 18 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(c) A person younger than 18 years of age who commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(d) A person commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the person commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), and such person was previously convicted of a violation of:

- Section 787.01(2) or s. 787.02(2) when the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed against the minor a sexual battery under this chapter or a lewd act under s. 800.04 or s. 847.0135(5);
- Section 787.01(3)(a)2. or 3;
- Section 787.02(3)(a)2. or 3; 4
- Section 800.04;
- Section 825.1025;
- Section 847.0135(5)
- This chapter, excluding subsection (10) of this section.

(e) The following circumstances apply to paragraphs (a)-(d):

- The victim is physically helpless to resist.

- The offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat.
- The offender coerces the victim to submit by threatening to retaliate against the victim or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future.
- The offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance that mentally or physically incapacitates the victim.
- The victim is mentally defective, and the offender has reason to believe this or has actual knowledge of this fact.
- The victim is physically incapacitated.
- The offender is a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified under s. 943.1395 or is an elected official exempt from such certification by virtue of s. 943.253, or any other person in a position of control or authority in probation, community control, controlled release, detention, custodial, or similar setting, and such officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of the government.

(5)(a) A person 18 years of age or older who commits sexual battery upon a person 12 years of age or older but younger than 18 years of age, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(b) A person 18 years of age or older who commits sexual battery upon a person 18 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(c) A person younger than 18 years of age who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(d) A person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the person commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury and the person was previously convicted of a violation of: 1. Section 787.01(2) or s. 787.02(2) when the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed against the minor a sexual battery under this chapter or a lewd act under s. 800.04 or s. 847.0135(5); 2. Section 787.01(3)(a)2. or 3.; 3. Section 787.02(3)(a)2. or 3.; 4. Section 800.04; 5. Section 825.1025; 6. Section 847.0135(5); or 7. This chapter, excluding subsection (10) of this section.

(6)(a) The offenses described in paragraphs (5)(a) -(c) are included in any sexual battery offense charged under subsection (3).

(b) The offense described in paragraph (5)(a) is included in an offense charged under paragraph (4)(a).

(c) The offense described in paragraph (5)(b) is included in an offense charged under paragraph (4)(b).

(d) The offense described in paragraph (5)(c) is included in an offense charged under paragraph (4)(c).

(e) The offense described in paragraph (5)(d) is included in an offense charged under paragraph (4)(d).

(7) (a) A person who is convicted of committing a sexual battery on or after October 1, 1992, is not eligible for basic gain-time under s. 944.275.

(b) This subsection may be cited as the "Junny Rios-Martinez, Jr. Act of 1992."

(8) Without regard to the willingness or consent of the victim, which is not a defense to prosecution under this subsection, a person who is in a position of familial or custodial authority to a person less than 18 years of age and who:

(a) Solicits that person to engage in any act which would constitute sexual battery under paragraph (1)(h) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Engages in any act with that person while the person is 12 years of age or older but younger than 18 years of age which constitutes sexual battery under paragraph (1)(h) commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Engages in any act with that person while the person is less than 12 years of age which constitutes sexual battery under paragraph (1)(h), or in an attempt to commit sexual

battery injures the sexual organs of such person commits a capital or life felony, punishable pursuant to subsection (2).

(9) For prosecution under paragraph (4)(a), paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d) which involves an offense committed under any of the circumstances listed in subparagraph (4)(e)7., acquiescence to a person reasonably believed by the victim to be in a position of authority or control does not constitute consent, and it is not a defense that the perpetrator was not actually in a position of control or authority if the circumstances were such as to lead the victim to reasonably believe that the person was in such a position.

(10) A person who falsely accuses a person listed in subparagraph (4)(e)7. or other person in a position of control or authority as an agent or employee of the government of violating paragraph (4)(a), paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Fla. Stat. § 794.0115 Dangerous sexual felony offender; mandatory sentencing.

(1) This section may be cited as the “Dangerous Sexual Felony Offender Act.”

(2) Any person who is convicted of a violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or (4); or s. 847.0145; or of any similar offense under a former designation, which offense the person committed when he or she was 18 years of age or older, and the person:

(a) Caused serious personal injury to the victim as a result of the commission of the offense;

(b) Used or threatened to use a deadly weapon during the commission of the offense;

(c) Victimized more than one person during the course of the criminal episode applicable to the offense;

(d) Committed the offense while under the jurisdiction of a court for a felony offense under the laws of this state, for an offense that is a felony in another jurisdiction, or for an offense that would be a felony if that offense were committed in this state; or

(e) Has previously been convicted of a violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or (4); s. 847.0145; of any offense under a former statutory designation which is similar in elements to an offense described in this paragraph; or of any offense that is a felony in another jurisdiction, or would be a felony if that offense were committed in this state, and which is similar in elements to an offense described in this paragraph, is a dangerous sexual felony offender, who must be sentenced to a mandatory minimum term of 25

years imprisonment up to, and including, life imprisonment. If the offense described in this subsection was committed on or after October 1, 2014, a person who qualifies as a dangerous sexual felony offender pursuant to this subsection must be sentenced to a mandatory minimum term of 50 years imprisonment up to, and including, life imprisonment.

(3) “Serious personal injury” means great bodily harm or pain, permanent disability, or permanent disfigurement.

(4) The offense described in subsection (2), which is being charged, must have been committed after the date of commission of the last prior conviction for an offense that is a prior conviction described in paragraph (2)(e).

(5) It is irrelevant that a factor listed in subsection (2) is an element of an offense described in that subsection. It is also irrelevant that such an offense was reclassified to a higher felony degree under s. 794.023 or any other law.

(6) Notwithstanding s. 775.082(3), chapter 958, any other law, or any interpretation or construction thereof, a person subject to sentencing under this section must be sentenced to the mandatory term of imprisonment provided under this section. If the mandatory minimum term of imprisonment imposed under this section exceeds the maximum sentence authorized under s. 775.082, s. 775.084, or chapter 921, the mandatory minimum term of imprisonment under this section must be imposed. If the mandatory minimum term of imprisonment under this section is less than the sentence that could be imposed under s. 775.082, s. 775.084, or chapter 921, the sentence imposed must include the mandatory minimum term of imprisonment under this section.

(7) A defendant sentenced to a mandatory minimum term of imprisonment under this section is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, before serving the minimum sentence.

Fla. Stat. § 794.02 Common-law presumption relating to age abolished.

The common-law rule “that a boy under 14 years of age is conclusively presumed to be incapable of committing the crime of rape” shall not be in force in this state.

Fla. Stat. § 794.021 Ignorance or belief as to victim’s age no defense.

When, in this chapter, the criminality of conduct depends upon the victim’s age being below a certain specified age, ignorance of the age is no defense. Neither shall misrepresentation of age by such person nor a bona fide belief that such person is over the specified age be a defense.

Fla. Stat. § 794.023 Sexual battery by multiple perpetrators; reclassification of offenses.

(1) The Legislature finds that an act of sexual battery, when committed by more than one person, presents a great danger to the public and is extremely offensive to civilized society. It is, therefore, the intent of the Legislature to reclassify offenses for acts of sexual battery committed by more than one person.

(2) A violation of s. 794.011 shall be reclassified as provided in this subsection if it is charged and proven by the prosecution that, during the same criminal transaction or episode, more than one person committed an act of sexual battery on the same victim.

(a) A felony of the second degree is reclassified to a felony of the first degree.

(b) A felony of the first degree is reclassified to a life felony.

Fla. Stat. § 794.05 Unlawful sexual activity with certain minors.

(1) A person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) As used in this section, the term:

(a) "Female genitals includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(b) "Sexual activity" 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 activity does not include an act done for a bona fide medical purpose.

(3) The provisions of this section do not apply to a person 16 or 17 years of age who has had the disabilities of nonage removed under chapter 743.

(4) The victim's prior sexual conduct is not a relevant issue in a prosecution under this section.

(5) If an offense under this section directly results in the victim giving birth to a child, paternity of that child shall be established as described in chapter 742. If it is determined that the offender is the father of the child, the offender must pay child support pursuant to the child support guidelines described in chapter 61.

Domestic Violence

The Department of Education defines the term "domestic violence" to mean: 1) Felony or misdemeanor crimes of violence committed: (i) By a current or former spouse or intimate partner of the victim; (ii) By a person with whom

the victim shares a child in common; (iii) By a person who is cohabitating with or has co habituated with the victim as a spouse or intimate partner; (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. 2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Florida criminal law defines "domestic violence" as: Fla. Stat. § 741.28 Domestic violence; definitions. As used in ss. 741.28-741.31:

(1) "Department" means the Florida Department of Law Enforcement. (2) "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. (3) "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit. (4) "Law enforcement officer" means any person who is elected, appointed, or employed by any municipality or the state or any political subdivision thereof who meets the minimum qualifications established in s. 943.13 and is certified as a law enforcement officer under s. 943.1395.

Dating Violence

The Department of Education defines the term "dating violence" to mean violence committed by a person: 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and 2) The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The State of Florida defines "dating violence" in criminal law as: Fla. Stat. § 784.046 (1) (d) "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. Dating Violence is recognized by FSW as violence, or threat of such violence, to an individual committed by a student who is or has been in a romantic or intimate relationship with said individual.

Stalking

The Department of Education defines the "stalking" as:

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.
- For the purposes of this definition:
 - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this

definition is considered a crime for the purposes of Clery Act reporting.

The State of Florida defines "stalking" in criminal law as: Fla. Stat. § 784.048 Stalking; definitions; penalties.

As used in this section, the term:

- **"Harass"** means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.
- **"Course of conduct"** means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.
- **"Credible threat"** means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.
- **"Cyberstalk"** means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Stalking is recognized by FSW as repeated, unwanted conduct toward or contact with another person that creates fear for the person's safety or the safety of others, or causes an individual to suffer emotional distress. Such conduct is direct, indirect, or through a third party using any type of action, method, or means. Cyberstalking is also included in this definition.

Additional Definitions

Relationship Violence is any violence, including but not limited to physical, sexual, emotional, or monetary abuse or threat of abuse, between two people who are or have been in a social relationship of a romantic or intimate nature.

Relationship violence includes dating violence, domestic violence, and intimate partner violence and may result from one act or an ongoing pattern of behavior. Relationship violence can encompass a broad range of behavior including, but not limited to, persistent attempts to unreasonably control or isolate, threats, assault, property

damage, violence or threat of violence to one's self, one's romantic or sexual partner, or to the family member or friends of the sexual or romantic partner.

Non-Consensual Sexual Contact is any intentional sexual contact with an intimate body part, however slight, with any body part or object, without effective consent.

Sexual contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts without effective consent. It also includes any intentional bodily contact done in a sexual manner, as well as disrobing another individual, or exposing oneself to another without effective consent.

Non-Consensual Sexual Intercourse is any sexual intercourse (anal, oral, or vaginal, including any contact between mouth and genitals), however slight, using any body part or object, by a person upon another person without effective consent. Intercourse includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

Sexual Exploitation occurs when an individual takes non-consensual, unfair, or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. As an example, sexual exploitation includes, but is not limited to, voyeurism.

Voyeurism is an invasion of sexual privacy whereby an individual engages in secretive observation of another engaging in sexual acts or disrobing, or engages in non-consensual video or audio taping of sexual acts or disrobing, or disseminating photographs or recordings of someone involved in sexual activity without his or her knowledge or consent.

Sexual Harassment is unwelcome conduct of a sexual nature (including, but not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical sexual conduct) when:

- submission to or rejection of such conduct or communication is made a term or condition of educational benefits, academic evaluations, or programs and opportunities offered by the University, sometimes referred to a "quid pro quo" or
- such conduct is serious or pervasive (repetitious) enough to substantially interfere with or limit a reasonable person's ability to participate in or benefit from the University's educational programs or services, sometimes referred to as "hostile environment."

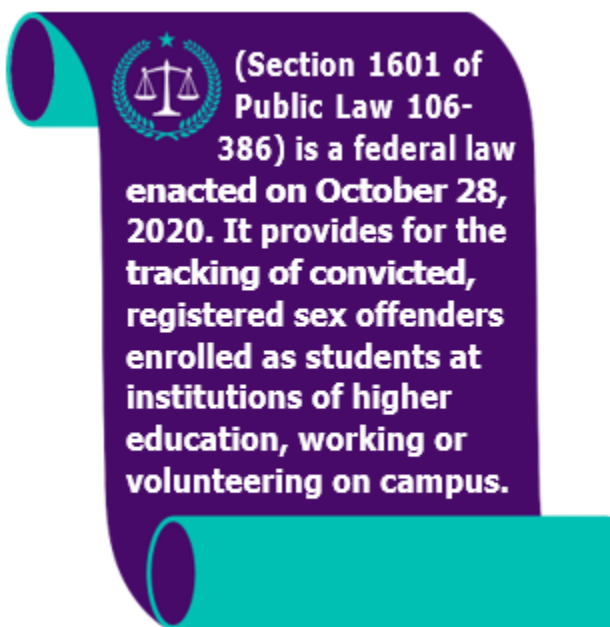
Some examples of behaviors that might constitute sexual harassment include:

- Use of a position of power or authority to threaten or punish another individual for refusing to submit to sexual activity or to promise rewards in exchange for sexual favors, such as a professor proposing that a student have sex with him/her in exchange for a good grade.
- Display or circulation of written materials or pictures which are degrading on the basis of sex or gender or which contain unwanted or unwelcome sexual innuendo, suggestive comments, symbols, jokes, slurs, insults, threats, or derogatory language based on sex or gender. An illustration would be a student repeatedly sending sexually-oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex, gender, or stereotyping of sex or gender, such as when two supervisors frequently 'rate' other employees' or students' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- Stalking is an intentional course of repeated conduct, directed at a specific person, which would cause a reasonable person to feel fear for their safety or the safety of others or to suffer substantial emotional distress, and which does cause the victim to feel alarm, fear, annoyance, or emotional distress. Examples of conduct that may constitute stalking include, but are not limited to:
 - Persistent, non-consensual communication, including face-to-face communication, telephone calls, voice messages, emails, written letters, gifts, or any other communications that are undesired or use of online, electronic, or digital technologies for similar objectives, such as posting of pictures online, sending unwanted/unsolicited email or chat requests, posting private or public messages on social media sites, installing spyware of someone's computer, and using GPS to monitor a person.
 - Pursuing or following someone or waiting uninvited near the place where a person frequents
 - Gathering information about an individual from friends, family, or co-workers.

Education and Prevention Programs: FSW engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that: Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed

for value, effectiveness, or outcome; and Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that: Identifies domestic violence, dating violence, sexual assault, and stalking as prohibited conduct; Defines, using definitions provided both by the Department of Education as well as state law, what behavior constitutes domestic violence, dating violence, sexual assault, and stalking; Defines what behavior and actions constitute consent to sexual activity in the State of Florida and the Student Code of Conduct; Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene; Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Provides an overview of the information contained in the Annual Security & Fire Report in compliance with the Clery Act.

Sexual Offender Registry



To search for an offender by name, neighborhood, university, or email/IM: [Sexual Offenders and Predators Search website.](#)

For more information:

Florida Department of Law Enforcement (FDLE) Missing Persons and Offender Registration

2331 Phillips Road
Tallahassee, FL 32308

1-888-357-7332

sexpred@FDLE.state.fl.us

Hazing

Hazing is prohibited at Florida SouthWestern State College pursuant to §1006.63, Florida Statute. All persons associated with Florida SouthWestern State College including student organizations and students are prohibited from engaging in any form of hazing either on campus or off campus. Florida SouthWestern State College does not condone hazing in any form and defines hazing to include:

1. As used in this section, the term "hazing" means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to:
 - (a) Initiation into any organization operating under the sanction of a postsecondary institution;
 - (b) Admission into any organization operating under the sanction of a postsecondary institution;
 - (c) Affiliation with any organization operating under the sanction of a postsecondary institution; or
 - (d) The perpetuation or furtherance of a tradition or ritual of any organization operating under the sanction of a postsecondary institution.

The term "Hazing" includes, but is not limited to, pressuring or coercing the student into violating state or federal law;; any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student or, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. The term Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

2. Section 1006.63(2), Florida Statute, further provides that a person who commits hazing, a third-degree felony, when they either intentionally or recklessly commits, solicits a person to commit, or is actively involved in the planning of any act of hazing as defined in subsection

(1) upon another person who is a member or former member of or an applicant to any type of student organization and the hazing results in a permanent injury, serious bodily injury, or death of such other person.

3. A person commits hazing, a first-degree misdemeanor, when they intentionally or recklessly commits, solicits a person to commit, or is actively involved in the planning of any act of hazing as defined in subsection (1) upon another person who is a member or former member of or an applicant to any type of student organization and the hazing creates a substantial risk of physical injury or death to such other person.

4. Penalties for violation of this policy shall be administered in accordance with Florida SouthWestern State College to student Code of Conduct. Such penalties at Florida SouthWestern State College may include the imposition of fines, the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines; and the imposition of probation, suspension, or expulsion from the college.

5. In the case of an organization/club at Florida SouthWestern State College which authorizes hazing in disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction of the institution.

6. All penalties imposed under the authority of this subsection shall be in addition to any penalty imposed for violation of any of the criminal laws of this state or for violation of any other rule of the institution to which the violator may be subject.

7. It is not a defense to a charge of hazing that the consent of the victim had been obtained, the conduct or activity was not part of an official organizational event or was not otherwise sanctioned or approved by the organization, or the conduct or activity was not done as a condition of membership.

This policy is included in the FSW Student Code of Conduct and is included in the bylaws of each club/organization operating under the sanction of Florida SouthWestern State College pursuant to Section 1006.63(10), Florida Statute.

Missing Persons

In compliance with Clery Act requirements, FSW will notify the emergency contact or a parent or guardian within 24 hours of when a student living in an on-campus residential facility is determined missing.

If any member of the FSW community has reason to believe a student residing at FSW has been missing for 24 hours, they should contact the Campus Police Department immediately at 239-489-9203. The Campus Police Department will generate a missing person report and initiate an investigation. The Campus Police Department will

assist any law enforcement agency's investigation if requested by that agency.

Student missing person contact information is confidential and is only accessible to authorized campus officials. Contact information will not be disclosed to anyone except law enforcement personnel in order to further a missing person investigation.

If the student has a designated contact person and they are determined to be missing, FSW will notify that contact person within 24 hours. For persons under age 18 and not emancipated, FSW will notify a parent or guardian as well as any additional contact persons designated by the student, within 24 hours of the determination that the student is missing.



Crime Prevention & Security Awareness Services

Safe Escort Patrol Service (SEPS)

Under the supervision of the Campus Police Department, this service provides free safe passage for students, faculty and staff members, and visitors who need to cross the main campus after dark. Call 239-489-9203 - 24 hours a day for the campus escort. All police officers/CST personnel receive a full background check prior to becoming employed by FSW. Any individual that requests an escort from their vehicle is instructed to stay in their vehicle with the doors locked until the police officers'/CST personnel arrives.

Operation ID/Property Accountability

The Campus Police Department encourages everyone to engrave your driver's license number on your valuables. This will assist law enforcement agencies in recovering property that is lost or stolen. Property accountability is another opportunity for students, faculty, and staff members to self-record the make, model, value, color, and the serial number of valuables. This information will be very useful. Why would you want to do this? Theft is the number one crime that affects college students across America. Don't think it can't happen to you!

If you report a theft of your property and you don't have the information that law enforcement needs to help you, the odds of getting your property back diminish. If you self-record the vital aforementioned information, the odds of the recovery are much higher.

Law enforcement agencies enter your serial number into national and state databases. Law enforcement agencies are able to retrieve the information so that the stolen item may be recovered and returned to you. The information is kept for four years and is kept confidential only accessible to law enforcement officers.

The Campus Police Department provides an optional registration of students' personal belongings on a property registration sheet. After completion by the student, the form is filed in the Campus Police Coordinator's office and kept confidential. This assists the Campus Police Department and local and state law enforcement agencies in recovering property that is lost or stolen.

Orientation and Crime Prevention Programs

The Campus Police Department partners with the local law enforcement agencies to speak to students and their families about social behavior, crime prevention, and the services offered by the Campus Police Department and FSW.

This is conducted during new student orientation. Students and parents receive information about preventing property crimes such as theft and vehicle burglaries. After the presentation, parents have the ability to speak to Campus Police Department personnel one-on-one regarding crime and crime prevention.

FSW's employees are vital assets against crime. In partnership with the Human Resources Department, the Chief of Police, or a designee, speaks at all new employee orientations about crime prevention and keeping our campus safe. Employees are asked to report suspicious people to the Campus Police Department, as well as assist students who need the police or medical attention.

The Campus Police Department partners with Student Affairs to speak to students and their families about situational awareness, safety, and the services offered by the Campus Police Department. This is conducted during new student orientation. Students and parents receive information and then have the ability to ask questions to police officers.

Physical Security Analysis

The Campus Police Department provides comprehensive evaluations and threat assessments of buildings and departments on campus to help make the campus a safer Environment On An Annual Basis.

Additional Services

- What if...? The Campus Police Department helps students develop the thought process to identify their strengths and weaknesses in emergency situations.
- Basic Vehicle Maintenance - Do you know where your dipstick is? Could you change the tire if it went flat? We're here to help you learn the basics of vehicle maintenance.
- Q & A Sessions – Have you always wondered why police use so many lights on a vehicle stopped for a traffic violation? Or maybe you have a relative who needs help with a stalker. This is your chance to ask questions that a police officer may be able to help you with. Just ask!
- Spring Break – Suggestions to keep you safe while traveling.
- Identity Theft – Learn how to protect yourself from becoming a victim of ID Theft and learn how to identify some of the latest scams.
- Criminal Justice for Beginners – Learn the basics of what happens when someone is arrested and booked into jail.
- Digital Safety and Awareness – Learn how to protect yourself while using various social network programs online.
- Shots Fired – In conjunction with the Campus Police Department, suggestions are discussed for dealing with an active shooter or assailant.
- Concealed Weapons – Brief overview on laws regarding concealed firearms and concealed weapons. They are NOT lawfully authorized to carry on any College controlled properties.

Bicycle Impoundment

Bicycles are popular at FSW. The Campus Police Department tries to keep the number of abandoned or non-working bicycles to a minimum so that students who ride their bicycles have a place to park. Throughout the year, the Campus Police Department may tag a bicycle that appears to be abandoned (e.g., rusted chains, flat tire, left after semester end, etc.) for a minimum of five days. If the tagged bicycles are not removed/repared within five days, the bicycle may be impounded. Once a bicycle is impounded, it may be donated or disposed of after 30 days. Usable bicycles will be donated to non-profit organizations that support local communities.

Bicycles that are illegally parked (locked to anything other than a bicycle rack) can be impounded at any time. If you think your bicycle has been impounded, contact the Campus Police Department at 239-489-9203 to retrieve it within 30 days of the bicycle being impounded.

For more information on bicycle impoundment and where to park your bicycle, visit the Campus Police Department or call 239-489-9203.

Education and Prevention Programs

FSW offers many opportunities for students, staff, and faculty to learn about ways to recognize and put an end to dating violence, domestic violence, sexual assault, and stalking. These opportunities consist of primary prevention and awareness initiatives geared toward incoming students

and all new employees that identify and define consent, dating violence, domestic violence, sexual assault, and stalking. At the same time, also providing descriptions of ways community members can be engaged bystanders to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

FSW offered the following programs to all students, including incoming students, between 2022 and 2024:

Education & Prevention Programs for Students

Date	Group	Event	Location	Facilitator
3/29/2022	Students	Financial Planning	Zoom	Financial Aid
3/31/2022	Prospective Students	Open House – Collier	Bldg M	Jana Sabo
7/29/2022	Students	Mental Health First Aide	Zoom	Care Services
9/17/2022	Students	Adult Learner Resources	J-103	Library Staff
9/30/2022	Students	Safe Zone Training	Zoom	FSW TLC
8/24/2022	Athletics	Title IX Training	K-143	Jana Sabo
8/31/2022	Athletics	Title IX Training	K-143	Jana Sabo
9/2/2022	Athletics	Title IX Training	K-143	Jana Sabo
2/22/2023	Prospective Students	Safety Table Collier (Brochures/Ed)	Building A	DC Williams
2/22/2023	Prospective Students	Open House – Collier	Building A	Admissions
2/28/2023	Prospective Students	Open House – Lee	Building U	Admissions
4/19/2023	Students	Mental Health and Wellness	U-102	Care Services
10/4/2023	Students/Staff	Cyber Security	U-102	Jason Dudley
10/18/2023	Students	Career Connections	U-102	Student Engagement
2/26/2024	Students	Safety Tables (Brochures/Ed)	Building A	Ofc. Pietrzak
2/27/2024	Prospective Students	Safety Tables (Brochures/Ed)	Building O	Ofc. Lathigee
2/27/2024	Prospective Students	Open House – Charlotte	Building O	Admissions
2/28/2024	Prospective Students	Open House- Collier	A Building	Admissions
3/6/2024	Prospective Students	Safety Tables/Brochures	Building U	Ofc. Espinoza
Annual	Students/Faculty/Staff	Crime Prevention Tables	Lee Bldg. S	Campus Police/Title IX
Annual	Students/Faculty/Staff	Crime Prevention Tables	Hendry Bldg. A	Campus Police/Title IX
Annual	Students/Faculty/Staff	Crime Prevention Tables	Collier Bldg. M	Campus Police/Title IX
Annual	Students/Faculty/Staff	Crime Prevention Tables	Charlotte Bldg. J	Campus Police/Title IX

FSW offered the following programs to all staff and faculty between 2022 and 2024:

Education & Prevention Programs for Staff and Faculty

Date	Group	Event	Location	Facilitator
2/2022	Faculty & Staff	Mental Health in the Workplace	Zoom	Russell Correa
3/24/2022	Faculty & Staff	Embracing Change	Zoom	Provost's Office
5/18/2022	President's Cabinet	Table Top Exercise Critical Event	Building I	Chief Connolly
7/29/2022	Student Life Staff	Mental Health First Aid	Zoom	Care Services
9/19/2022	Directors/Managers	Table Top Exercise Critical Event	Building U	Chief Connolly
9/30/2022	Faculty & Staff	Safe Zone Training	Zoom	FSW TLC
2/22/2023	Faculty & Staff	Safety Tables (Brochures/Ed)	Bldg. S	DC Williams
3/7/2023	AVPs/Deans/Directors	Table Top Exercise Critical Event	Building U	Chief Connolly
4/19/2023	Student Life Staff	Mental Health and Wellness	Zoom	Care Services
4/2023	Faculty & Staff	Workplace Influence/Persuasion	Zoom	Russell Correa
2/2024	Faculty & Staff	Leading Through Change	Zoom	Russell Correa
Annual	Faculty & Staff	Safety Tables (Brochures/Ed)	Charlotte Bldg. O	Campus Police/Title IX
Annual	Faculty & Staff	Safety Tables (Brochures/Ed)	Lee Building S	Campus Police/Title IX
10/1/2024	Faculty & Staff	Active Shooter Training	Collier	Sgt. Humfleet
11/20/2025	Faculty & Staff	Turning Tension into Teamwork	Zoom	Russell Correa
12/10/2024	Faculty & Staff	Active Shooter Training	U-120	Sgt. Humfleet



FSW is committed to providing programs, activities, and an educational environment free from sex discrimination. The College is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints. In furtherance of that commitment, our procedure provides information about available resources and establishes procedures for responding to allegations of sexual misconduct.

The FSW sexual misconduct procedure applies to College students and employees and volunteers. It applies to any allegation of sexual misconduct made by or against a student or an employee of the College or a third party, regardless of where the alleged sexual misconduct occurred, if the conduct giving rise to the complaint is related to the College's academic, educational, athletic, or extracurricular programs or activities. The College's investigatory and disciplinary authority may not extend to third parties who are not or no longer students or

employees of the College. Although there is no geographical or time limitation to making a complaint, sexual misconduct that is alleged to have occurred at a significant distance from the College and/or outside of College property may be more difficult for the College to investigate.

Reporting Sexual Misconduct

Privileged and Confidential Communications –Professional and Pastoral Counselors. Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the college community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim's permission.

Free Confidential Counseling On-Campus

- Thomas Edison Campus: S-258; (239) 985-3448
- Charlotte Campus: J-115; (941) 833-5329
- Collier Campus: M-222; (239) 732-3414
- Hendry/Glades Center: (863) 674-6000

Detailed information can be found online at www.fsw.edu/counseling. Appointments are required (except for emergencies) and can be made by calling each campus.

After hours or weekends, call 239-218-7116.

For immediate support, call 844-395-4432.

Reporting to the FSW Victim Advocate - FSW has a victim advocate located on the Thomas Edison campus (Ft Myers) to assist victims of sexual misconduct. The victim advocate will provide supportive measures and work with victims to obtain necessary resources. The FSW victim advocate, Angela Hawke, may be reached by calling 239-985-3448.

Reporting to "Responsible Employees." A "responsible employee" is a College employee who has the authority to redress sexual misconduct, or who has the duty to report incidents of sexual misconduct or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a victim tells a responsible employee about an incident of sexual misconduct, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the victim. The College will need to determine what happened – including the names of the victim and alleged perpetrator(s), if known, any witnesses, and any other relevant facts, including the date, time, and location.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement or unless otherwise required by the law. Clery requires certain information to be provided to campus public safety.

The following employees (or categories of employees as listed on the current organizational chart and college salary schedule) are the College's "responsible employees":

- All Executives
- All Administrators
- Title IX Coordinator/Equity Officer
- All Human Resources Staff –excluding Student Assistants.
- All Athletic Staff - excluding Student Assistants.
- All Student Success Advisors and Student Engagement Staff – excluding Student Assistants and Peer Mentors.
- Adaptive Services Staff
- All Residence Life Staff
- All Public Safety Staff
- All International Education Staff –excluding Adjuncts, Faculty, and Student Assistants.

Before a victim reveals any information to a "responsible employee," the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the "responsible employee" what happened, but also maintain confidentiality, the employee should say to the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the "responsible employee" will also inform the Coordinator of the victim's request for confidentiality.

"Responsible employees" will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the College to thoroughly investigate an incident. By the same token, "responsible employees" will not pressure a victim to make a full report if the victim is not ready to do so.

All Other Employees and Students. All other employees may agree to safeguard an individual's privacy but are strongly encouraged to share any information about such conduct with the Title IX Coordinator or a member of the Department of Public Safety, in recognition of the understanding that centralized reporting is a valuable tool to address, end and prevent prohibited conduct.

Similarly, all students (who are not otherwise required to report as a Responsible Employee) are strongly encouraged

to report any information, including reports or partial reports, to the Title IX Coordinator or a member of the Department of Public Safety.

Reporting to Public Safety. College employees in the Department of Public Safety are obligated to enforce Florida criminal law. They may be required to undertake criminal investigations if a report of criminal misconduct is made to them. The College is also subject to state law and mandatory reporting of ten requirements such as those contained in Section 39.201 Florida Statutes about child abuse, abandonment or neglect; Section 415.1034 Florida Statutes pertaining to abuse, neglect or exploitation of vulnerable adults; Section 1012.799 Florida Statutes related to the student on student sexual offense; and Section 794.027 on the duty to report sexual battery. Reports made to Public Safety are subject to Public Records requests under the Florida Sunshine Law.

Anonymous Reporting. Complainants may complete a Sexual Assault and Misconduct Report anonymously online at www.fsw.edu/reportviolence or send the report in writing to Angela Hawke Title IX Coordinator/Equity Officer at Florida SouthWestern State College, 8099 College Parkway, Fort Myers, FL 33919.

Public Awareness Events. Florida SouthWestern State College provides entry and ongoing programming to students and employees throughout the academic year. Such programming is intended to make the college community more aware of matters regarding not only sexual misconduct and its prevention but also the importance of bystander intervention. These and other public awareness forums, in which students disclose incidents of sexual violence, are not considered notice to the College of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students' Title IX rights at these events.

Off-campus Counselors and Advocates. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form. A listing of local resources is available online at www.fsw.edu/sexualassault.

How to get help following an act of Sexual Misconduct

For sexual activity to be all right, it must be consensual. Being a victim of sexual assault is not your fault. Nothing in what you say, the way you look, where you are, or who you are with gives anyone else the right to hurt you. It does not matter if you are dating or have ever been intimate with the person; it does not give that person the right to force you to participate in sexual acts. Even if you had a sexual activity of any sort with this person in the

past, consent is still needed. If you are the victim of a sexual assault, the College's priority is to help you take steps to address your safety, medical needs, and emotional well-being. You are encouraged to take the following actions, as applicable, regardless of whether you have decided whether to pursue criminal or College disciplinary charges.

1. Ensure Your Physical Safety. Go to a safe place such as a Resident Assistant's room, a friend's room, or any office open on campus. You may seek help from local law enforcement agencies or by contacting the College Public Safety Department. Public safety personnel are on duty at the College Public Safety Department 24 hours a day, seven days a week. Contact information is provided on our website. Try to avoid being alone, especially with your attacker, and be alert to your surroundings.

2. Seek Medical Assistance and Treatment. Even if you do not want to report the assault to the police, Public Safety, or the College, you must obtain medical attention as soon as possible after a sexual assault to make sure you are all right. The medical exam can determine the possibilities of pregnancy, treat injuries, determine if you have been drugged, and offer treatment to prevent or treat sexually transmitted diseases. You do not need to make a formal report or press charges to receive medical care.

If you choose to have an evidence collection kit (or "rape kit") completed, it is important to do so within 72 hours. Even if you have not decided to file charges, it is advisable to have the evidence collection kit completed so that you can preserve the options of obtaining a protective order and/or filing criminal charges at a later date. For a list of local healthcare facilities, see the FSW Resources Guide.

To best preserve evidence for an evidence collection kit, it is advisable to avoid showering, bathing, going to the bathroom, or brushing your teeth before the kit is completed. You should also wear to the facility the same clothing that you were wearing during the assault or take with you in a paper – not a plastic bag. An evidence collection kit can still be completed even if you have showered or bathed.

3. Obtain Emotional Support. The FSW Office of Counseling, the FSW Victims Advocate, or national/local victim services can help victims' sort through their feelings and begin the recovery process. The professionals are trained to provide crisis intervention on short-term and emergency issues and can provide referral services for outside providers and law enforcement. Counseling from the College Office of Counseling is free of charge to all students. In some instances, the law may require the disclosure of certain information shared by students with counselors. However, absent a legal mandate to the contrary, counseling services are strictly confidential, are not part of students' College records, and will not be reported to other College personnel. You may ask people if they are mandated reporters and then decide what you

want to do. The FSW Resource Guide contains contact information for several local and national hotlines as well as the contact information for the FSW Office of Counseling and the FSW Victim Advocate. 3

4. Other Support. Make sure that you have a safe place to stay. If you do not wish to seek emotional support from a hotline or counseling center, think about talking to a family member, a friend, or another person whom you trust. See if someone can go with you to get medical treatment.

5. Obtain Information / Report Misconduct. You are encouraged to report incidents of sexual misconduct to the College's Title IX Coordinator, other designated College individuals or offices as outlined in the Sexual Misconduct Guide (even if you have filed a report directly with law enforcement). College personnel can help you access resources and can provide you with support and information, including information on the College's procedures for investigating and addressing instances of sexual misconduct.

Formal Complaint Options

Filing a complaint with Local Law Enforcement.

Individuals may file a complaint directly with local law enforcement agencies by dialing 911 or reporting to the law enforcement agencies listed in FSW Resource Guide. Individuals may inform law enforcement authorities about sexual misconduct and discuss the matter with a law enforcement officer without making a formal criminal complaint (or a College complaint). Individuals who make a criminal complaint may also choose to pursue a College complaint simultaneously. A criminal investigation into the matter does not preclude the College from conducting a separate investigation (nor is a criminal investigation determinative of whether material sexual misconduct, for purposes of this guide, has occurred). However, the College's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the College may take supportive measures when necessary to protect the parties and/or the College community (see available Supportive Measures section in the guide). Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate the matter is determinative of whether material sexual misconduct, for this guide, has occurred. Individuals may contact the Title IX Coordinator, the Provost/designee, or the chief human resources officer for assistance in filing a complaint with local law enforcement.

Filing a Complaint with the College Administration.

Individuals may choose not to report alleged sexual misconduct to campus officials. The College respects and

supports the individual's decision with respect to reporting; however, if information about sexual misconduct comes to the attention of the College, the College may (1) start an investigation even in the absence of a filed complaint and/or (2) notify appropriate law enforcement authorities if required or warranted by the nature of the information of which it becomes aware.

Anyone wishing to make a complaint to the College Administration should contact one of the following individuals or offices:

- College's Title IX Coordinator/Equity Officer is Angela Hawke, 239-489-9051, office located in Building A Room 106-A, equity@fsw.edu
- Office of the Vice Provost, Student Affairs, 239-433-6950, offices located in Building I, Room 216A
- Human Resources Office, 239-489-9293 and offices located in building N, room 120
- The College Department of Public Safety, 24 hours a day, seven days a week

FSW Campus Police: (239) 489-9203

If any of the parties designated above is the respondent or is otherwise at issue in a complaint, or if an individual is uncomfortable making a complaint to one or more of the parties listed above, a report of alleged sexual misconduct may be made to any other party or office listed above.

If an employee of the College Department of Public Safety, the Office of the Vice Provost, Student Affairs, or the Human Resources Office receives a report of alleged Sexual Misconduct, that employee must notify the College's Title IX Coordinator. Individuals may also file anonymous reports by completing a form online at www.fsw.edu/reportviolence or submitting a written report via mail to Angela Hawke, Title IX Coordinator/Equity Officer, Florida SouthWestern State College, 8099 College Parkway, Fort Myers, FL 33919.

Individuals who choose to file anonymous reports are advised that it may be very difficult for the College to follow up or act on anonymous reports, where corroborating information is limited. Anonymous reports may be used for the Clery Act data collection purposes.

No member of the College community may discourage an individual from reporting alleged incidents of sexual misconduct. No employee is authorized to investigate or resolve complaints without the involvement of the College's Title IX Coordinator.

Duties and Responsibility of the Title IX Coordinator

The Title IX Coordinator is responsible for monitoring FSW's compliance with Title IX. The Title IX Coordinator is responsible for the overall implementation of Title IX compliance practices and the prevention of sexual misconduct within the FSW community, including coordination or training, education, communications, and

administration of grievance procedures for students, staff, faculty, and other members of the FSW community. Questions or concerns related to Title IX should be directed to FSW's Title IX Coordinator.

Amnesty from Student Discipline for the Reporting party and Witnesses

Assisting students who are reporting sexual misconduct is the College's primary interest. To facilitate reporting, the Dean of Students, or designee, may choose not to charge students who report sexual misconduct and any material witnesses with Student Code of Conduct violations for behavior that would be considered violations (for example consuming alcohol or consuming illegal drugs). The College may choose, however, to recommend educational or therapeutic remedies for those individuals.

Investigation and Grievance Procedures

Oversight. The Title IX Coordinator will be responsible for conducting and overseeing the prompt, fair, and impartial investigation and resolution of complaints filed with the College.

Conflicts. If any administrator designated by this guide to participating in the investigation or resolution of a complaint is the respondent in the case (including, but not limited to, the Title IX Coordinator), then the President will appoint another College administrator to perform such person's duties under this guide. (If the President is the respondent, then the Title IX Coordinator may appoint another College administrator to perform the duties under FSW procedure.)

Timing. The College will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in a timely and efficient manner. Once the decision has been made to investigate, the College's investigation and resolution of a complaint (not including an appeal) will generally be completed within 60 calendar days of the decision to investigate, absent extenuating circumstances.

Hearings, if any, will take place after the conclusion of the investigation. The College may need to stop or delay the investigation during school breaks or between school years. Parallel criminal investigations may also necessitate a departure from investigation time frames. Both parties will be given periodic status updates throughout the process. If hearings have taken place, both the complainant and the respondent generally will receive a Final Outcome Letter within a reasonable time frame set by the Title IX Coordinator from the conclusion of the hearings.

Any party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Title IX Coordinator may modify any deadlines contained in this guide as necessary.

Counsel and Support Persons. At all related meetings or proceedings, both parties may be accompanied by legal counsel and no more than two support persons of their choice. Neither legal counsel nor support person(s) may participate in the meetings or proceedings, and their role is limited to offering advice and support. A witness may not serve as a support person. Support persons may be asked to leave if they are disruptive to the process. Support person(s) must maintain confidentiality regarding all communications exchanged pursuant to this guide.

The College reserves the right to have the General Counsel participate at any portion of the proceedings, informal or formal.

Communication. The Title IX Coordinator will give the parties simultaneous and periodic updates on the status of the investigation, the outcome, the appeals procedure, any changes to the results that occur prior to final resolution, and the results when they become final.

Request Not to Pursue Complaint. A complainant (or alleged victim, if not the complainant) may determine after filing a complaint that he or she does not wish to pursue the resolution of the complaint through the College. The College takes such requests seriously. However, such individuals are advised that such requests may limit the College's ability to act in response to a complaint. Title IX requires the College to evaluate the request(s) that a complaint not be adjudicated in the context of the College's commitment to providing a reasonably safe and non-discriminatory environment.

To make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged sexual misconduct and may weigh the request(s) against the following factors:

- The seriousness of the alleged sexual misconduct
- The complainant's and/or alleged victim's age
- Whether there have been other complaints of sexual misconduct against the respondent
- The respondent's right to receive information about the allegations if the College maintains the information as an "education record" under FERPA
- The applicability of any laws mandating disclosure

Even when the College receives a request not to pursue an investigation, Title IX requires the College to take reasonable action in response to the information known to it; therefore, the College may take such measures and impose such discipline as are deemed necessary by the Title IX Coordinator. The complaint may also be used as an anonymous report for data collection purposes under the Clery Act.

Complainant's Initial Meeting with the Title IX Coordinator

As soon as reasonably possible, the Title IX Coordinator will contact the complainant and/or victim to schedule an initial

meeting. At the initial meeting, the Title IX Coordinator will cover the following, as applicable:

- Provide the complainant a copy of this guide
- Explain avenues for informal and formal resolution of the complaint, the steps involved in a sexual misconduct investigation, and discuss confidentiality standards and concerns with the complainant
- After discussion with the complainant, the Title IX Coordinator will determine whether the complainant wishes to pursue a resolution through the College or no resolution of any kind
- Refer the complainant to the Office of Counseling or other resources, as appropriate
- Discuss with the complainant, as appropriate, possible supportive measures that can be provided to the complainant during the investigative and resolution processes

Respondent's Initial Meeting with the Title IX Coordinator

If the alleged victim wishes to pursue a formal resolution through the College or if the College otherwise deems that a further investigation is warranted, the Title IX Coordinator will schedule an initial meeting with the respondent. During the initial meeting with the respondent, the Title IX Coordinator will, as applicable:

- Provide the respondent, in writing, sufficient information consistent with state and federal privacy laws and the complainant's and/or the alleged victim's request for confidentiality, to allow them to respond to the substance of the allegation—this may include the name of the complainant and the alleged victim (if different), the date, location and nature of the alleged sexual misconduct
- Provide the respondent a copy of this guide—explain the College's procedures for formal resolution of the complaint, the steps involved in a sexual misconduct investigation, and discuss confidentiality standards and concerns with the respondent.
- Discuss non-retaliation requirements with the respondent
- Inform the respondent of any supportive measures already determined and being provided to the complainant and/or the alleged victim that directly affect the respondent (e.g., changing class schedule)
- Refer the respondent to the Office of Counseling or other resources, as appropriate
- Discuss with the respondent, as appropriate, possible supportive measures that can be provided to the respondent during the investigative and resolution processes.

Supportive Measures

Supportive measures are those services, accommodations, or other assistance that the College puts in place for complainants, survivors, and respondents after receiving notice of alleged sexual misconduct, but before any outcomes – investigatory, disciplinary, or remedial – have been determined.

The College may implement such measures if requested, appropriate, and reasonably available, whether a formal complaint has been filed or whether an investigation by either campus administrators or law enforcement agencies has commenced.

The College wants students and employees to be safe, to receive appropriate medical attention, and to get the help they need to heal and continue to access their educational and workplace opportunities. Information concerning supportive measures will only be shared with people necessary for the implementation of such measures.

If at any point during the complaint, investigative or disciplinary processes, the Title IX Coordinator reasonably believes that a complainant, survivor, or respondent who is a member of the College community poses a substantial threat of harm to any member of the campus community; threatens or endangers College property, or disrupts the stability and continuance of normal College operations and functions, the Title IX Coordinator may take actions such as requesting that the student or employee have restricted access to and/or movement on campus, employee be reassigned or placed on leave with or without pay, that a student be suspended from housing or classes, or any other measure that may be appropriate pending the outcome of the investigation.

These actions may be appealed to the Vice Provost, Student Affairs/designee, or the chief human resources officer whose decision regarding their imposition will be final.

Supportive measures may include, but are not limited to:

- Issuing no-contact orders to prevent any contact between the complainant, the survivor, the respondent, witnesses, and/or third parties
- Providing an escort to ensure that the student or employee can move safely between classes, work, and/or activities
- Changing on-campus housing, if any, to a different room assignment and assisting College support staff in completing the relocation
- Temporary suspension or limitation of an individual's eligibility to enjoy certain privileges or participate in or attend a specific event without the suspension of employment or enrollment
- Arranging to dissolve a campus housing contract and offering a pro-rated refund¹⁷
- Changing work arrangements
- Rescheduling class work, assignments, and examinations

- Arranging for the student to take an incomplete in a class
- Moving the student from one class section to another
- Permitting a temporary withdrawal from the College
- Providing alternative course completion options
- Providing counseling services
- Providing academic support services

Following the initial meeting with the parties, the Title IX Coordinator will promptly determine the supportive measures to be provided. Such determination will be promptly communicated to the parties, as applicable.

A list of other resources can be located on [FSW's sexual assault webpage](#).

Determination if Investigation is Required.

The Title IX Coordinator will determine whether an investigation of the complaint should be conducted. The Title IX Coordinator will consider the following factors in determining whether it is reasonable to investigate the complaint:

- The source and nature of the information
- The seriousness of the alleged incident
- The specificity of the information
- The objectivity and credibility of the source of the information
- Whether the individuals allegedly subjected to the sexual misconduct can be identified
- Whether those individuals wish to pursue the matter

If the Title IX Coordinator determines that an investigation of the complaint should not be conducted, the Title IX Coordinator will determine and document (in consultation, as necessary, with the alleged victim, the respondent, and other College administrators) the appropriate resolution of the complaint and inform the parties of the same.

Investigation Procedures

The investigation will include:

- Conducting interviews with the complainant, the alleged victim, the respondent, and third-party witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form
- Visiting, inspecting, and taking photographs at relevant sites
- Collecting and preserving relevant evidence (in cases of corresponding criminal complaints, this step may be coordinated with law enforcement agencies)

- Should either party decide to withdraw from FSW during the investigation, the investigation will proceed as if both parties were still enrolled.

Throughout the investigation:

The Title IX Coordinator/Deputy Title IX Coordinator will remain neutral. The investigator will complete a written investigative report that includes items such as summaries of all interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic 18 records, a detailed report of the events in question (the "Investigative Report"). The Title IX Coordinator would review the investigative report and determine if the College sexual misconduct policy was violated.

For student respondents, if the Investigative Report finds the College policy was violated, the Investigative Report will be forwarded to the Vice Provost, Student Affairs for review. The Vice Provost, Student Affairs, and the Title IX Coordinator will recommend sanctions to be added to the Investigative Report based on the nature and severity of the incident(s). No sanction of expulsion may be imposed without prior approval of the College President.

The Title IX Coordinator will distribute the report, concurrently, to the alleged victim and the respondent. All parties to whom the investigative report is distributed pursuant to this guide must maintain it in confidence.

If the Title IX Coordinator concludes in the investigative report that there are not sufficient reasonable grounds to believe that the conduct at issue constitutes material sexual misconduct, the distributed investigative report and accompanying documentation will serve as the final determination of the case subject to the student right of appeal outlined below.

If the responding party is an employee, the findings and recommendations will be forwarded to the Director of Human Resources for disposition.

For student respondents, after reviewing the Investigative Report, the respondent and complainant shall respond in writing to the Title IX Coordinator within ten days of receipt of the report. The complainant and respondent can decide to do one of the following: 1. Accept the finding and recommended sanction(s) outlined in the Title IX Coordinator's Investigative Report (No sanction of expulsion may be imposed without the approval of the College President.) 2. Request an appeal of the finding and/or sanctions to the Provost or designee 3. Request an appeal of the finding and/or sanctions to the formal Hearing Panel

If the complainant and respondent do not respond in writing to the Title IX Coordinator's Investigative Report within ten days of receipt, then the complainant and respondent shall waive their right to an appeal and the findings and sanctions outlined in the Title IX Coordinator's Investigative Report will be imposed effective immediately and both parties will be notified in writing.

Student Formal Resolution Process

In the case of formal resolution, a hearing panel will conduct a series of hearings in which it will interview and question the complainant, the alleged victim (if different), the respondent, and any witnesses or other third parties whose testimony the hearing panel deems relevant. The standard of proof for the hearing is whether the evidence establishes that from the preponderance of the evidence, it is more likely than not that the respondent committed material sexual misconduct.

The Hearing Panel.

The Title IX Coordinator will appoint the members of the hearing panel, which will include at least three faculty and/or staff members. The Title IX Coordinator will designate one member of the hearing panel as the Chair. The Title IX Coordinator will share the complaint and the investigative report with the hearing panel. If only a portion of the alleged misconduct in the complaint justifies continuing to the hearing process, the Title IX Coordinator will specify which part(s) of the alleged misconduct will be the subject of the hearings.

Notice of the Composition of the Hearing Panel.

Promptly after appointing the members of the hearing panel, the Title IX Coordinator will provide concurrent written notice to the alleged victim and the respondent, setting forth the names of the individuals selected to serve on and chair the hearing panel. If only a portion of the alleged misconduct justifies continuing to the hearing process, the Title IX Coordinator will also specify in the notice which part(s) of the alleged misconduct will be the subject of the hearings. The parties may challenge the participation of any member of the hearing panel by submitting a written objection to the Title IX Coordinator within three days of receiving the notice of the composition of the hearing panel. Such objection must state the specific reason(s) for the objection. The Title IX Coordinator will evaluate the objection and determine whether to alter the composition of the hearing panel. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the composition of the hearing panel. Any changes in the composition of the hearing panel will be provided in writing to both parties prior to the date of the first hearing.

Hearing Policies and Procedures.

Submission of Written Materials by the Parties.

Within five days of receiving of the Notice of Composition of the Hearing Panel, the alleged victim and the respondent may provide the Chair of the hearing panel with (1) a list of witnesses, if any, that they propose that the hearing panel call and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute, and (2) a written statement.

Notice of the Hearings. Within a reasonable time after notice delivery of the composition of the hearing panel to the parties, the hearing panel will provide a separate notice to the alleged victim, the respondent, and any witnesses of other third parties whose testimony the hearing panel deems relevant, requesting such individuals to appear before the hearing panel. The notice should set forth, as applicable, the date, time, and location of the relevant individual's hearing. In its notices to the alleged victim and the respondent, the hearing panel will provide the names of the witnesses or other third parties that the hearing panel plans to call.

Failure to Appear. If the alleged victim or the respondent fails to appear before the hearing panel (if requested to do so) and such party was provided proper notice of the hearing as set forth above, then 21 absent extenuating circumstances, the hearing panel will proceed to determine the resolution of the complaint.

Counsel and Support Persons. Either party may be accompanied by legal counsel and not more than two support persons of their choice. However, neither legal counsel nor support person(s) may participate in the proceedings, and their role is limited to offering advice and support. The Chair of the hearing panel may disallow the attendance of such support person if such support person is also a witness or if, in the discretion of the Chair of the hearing panel, such support person's presence would be obstructive to the hearing or otherwise warrant his or her removal from the hearing. Counsel and a support person(s) may communicate with a party privately, but they may not address the hearing panel, cross-examine witnesses, or have any other speaking role. Support person(s) must maintain confidentiality regarding all communications exchanged pursuant to this guide.

Evidentiary Matters. The alleged victim and the respondent will have an equal opportunity to present evidence during their respective hearings. Formal rules of evidence will not be observed during the hearings. Evidence of the past sexual histories of the alleged victim and the respondent will not be permitted at the hearings, with the following exceptions:

- Evidence is permitted to show that the College has formally disciplined the alleged victim for falsely filing complaints alleging sexual misconduct
- Evidence is permitted to show that the respondent has in the past been either convicted in a criminal proceeding or formally disciplined by the College for sexual misconduct and
- Evidence regarding the past sexual activity of the respondent (regardless of whether the respondent was formally charged with a violation of the Policy with respect to such conduct) may be permitted to show that the respondent has engaged in a pattern of behavior similar to the alleged sexual misconduct at issue before the hearing panel,

provided that (1) the respondent has not been found "not responsible" by the College in a proceeding related to such sexual activity and (2) the Chair of the hearing panel has made written findings both that the evidence is reliable and trustworthy and that the conduct is sufficiently and substantially similar to the conduct at issue before the hearing panel to suggest a pattern of behavior

Conduct of the Hearings.

The hearing is not a legal proceeding. Formal courtroom rules of process, procedure, and evidence do not apply. The hearings will be conducted in an inquisitorial manner, and the hearing panel will be responsible for asking questions of the parties and the witnesses and developing evidence through testimony. The Chair of the hearing panel will resolve any questions concerning procedure or the admission of evidence or testimony (including the relevancy and reliability of the evidence and testimony). All participants are expected to provide truthful testimony.

The parties will not be permitted to directly question each other. Each party shall have the opportunity to submit potential questions to the Chair. However, the hearing panel reserves the right to determine relevancy and ask only those questions they deem relevant to the case being heard.

Testimony of the Parties. Both parties may choose not to testify or appear before the hearing panel; however, their exercise of that option will not preclude the hearing panel from making a determination regarding the complaint filed.

Outcome. Following the conclusion of the hearings, the hearing panel will confer and by majority vote, determine whether the preponderance of the evidence (including the information provided in and by the investigative report, the parties' written statements, if any, the evidence presented at the hearings, and the testimony of the parties and witnesses) establishes that it is more likely than not that the respondent committed material sexual misconduct.

Sanctions. If the hearing panel determines that a student has committed material sexual misconduct, a wide range of sanctions may be imposed. These sanctions are:

- **Warning:** A notice in writing to the student that the student is violating or has violated institutional regulations.
- **Probation:** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation during the probationary period.
- **Referral to an outside program:** Referral to a tobacco intervention program, the Student Assistance Program, or mental health counseling.

- **Educational Activities:** Attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities.
- **Loss of Privileges:** Denial of specified privileges for a designated period of time.
- **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- **Prohibited Contact:** Prohibition of contact with a specified person within the college community.
- **Removal from Classroom/Course:** Removal from the classroom and/or the course, including but not limited to, dismissal from the course or reassignment to another section.
- **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 an on-campus licensed mental health counselor 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.
- **Suspension:** Separation of the student from Florida SouthWestern State for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- **Dismissal:** Separation from the College for an indefinite period of time. Readmission may be possible, based on meeting all readmission criteria and obtaining clearance from the Provost or designee. 23
- **Expulsion:** Permanent separation of the student from Florida SouthWestern State. All recommendations of expulsion must be reviewed and approved by the College President or designee.
- **Failure to Complete Sanctions:** A student who fails to adhere to or 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.

- **Change in Housing Assignment:** Removal or reassignment of the student to another location in College Housing.
- **Exclusion or Removal from College 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. The hearing panel will determine sanctions, considering whether the sanctions will:
 - Address the severity and remedy the effects of the incident(s)
 - Bring an end to the violation(s) in question
 - Prevent (reasonably) a recurrence of a similar violation

The hearing panel will forward its determination regarding sanctions to the Title IX Coordinator.

Implementation.

Sanctions imposed are not effective until the resolution of any timely appeal pursuant to the appeal rights listed below. However, the hearing panel (or other decision-making body, if applicable) may recommend that any sanctions be effective immediately and continue in effect until such time as the appeal process is exhausted in order to protect the welfare of the victim or the College community. The Title IX Coordinator will make the final determination.

Final Accommodations and Corrective Action. In addition to any sanctions imposed on the respondent, promptly following the conclusion of the hearings and the hearing panel's issuance of a determination of responsibility, the Title IX Coordinator will determine the final accommodations to be provided, if any, and the Title IX Coordinator will communicate such decision to the appropriate parties.

The Title IX Coordinator will also take steps, where necessary, to prevent the further harassment of or retaliation against the parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing trainings for the College community, and providing sexual misconduct or other counseling for the parties. Furthermore, the Title IX Coordinator will take prompt corrective action if the parties' experience retaliation or is subjected to further sexual misconduct or if the original sanctions imposed on the respondent are ineffective to protect the safety and well-being of the complainant, the victim, or other members of the College community.

In cases involving sexual harassment, the Title IX Coordinator will also take reasonable steps to eliminate any hostile environment that has been created, such as conducting trainings and disseminating informational materials. In taking the above-outlined steps, the Title IX Coordinator will make every reasonable effort to minimize the burden on the complainant and/or alleged victim.

Final Outcome Letter. Within a reasonable time following the conclusion of the hearings, the hearing panel will issue a written decision letter (the "Final Outcome Letter") concurrently to the respondent, the complainant, and the alleged victim (if different). The Final Outcome Letter will set forth (1) the name of the respondent, (2) the violation(s) of this guide for which the respondent was found responsible, if any, and the rationale (3) sanctions imposed on the respondent if any. However, when the respondent is a student, in order to comply with FERPA, the letter will not include information considered part of a respondent's "education record" (as that term is defined by FERPA), such as information about sanctions that do not relate to the victim.

Confidentiality and Disclosure. In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, documents prepared in anticipation of the hearings (including the complaint, the investigative report, the notices of hearing, and the pre-hearing submissions referenced above) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law. If it is determined, however, that the respondent committed material sexual misconduct, College policy does not prohibit the further disclosure of the Final Outcome Letter by either the victim or the respondent.

Appeals.

The alleged victim or the respondent may appeal the decision of the hearing panel and/or the sanction imposed on the respondent within ten days from the date of the Final Outcome Letter. The decision of the hearing panel and the sanction imposed on the respondent may, if desired, be appealed simultaneously.

Appeals of the Decision of the Hearing Panel Regarding Responsibility for Sexual Misconduct. The permissible grounds for an appeal are (1) availability of germane new evidence not available at the time of the hearing that could significantly impact the outcome of the hearings and/or (2) procedural errors during the hearings that significantly impacted the outcome of the hearings.

Appeals of the decision of the hearing panel must be made in writing to the Provost or designee. Appellants must provide a copy of their written appeal to the Title IX Coordinator. The Title IX Coordinator will promptly inform

the other party (i.e., the alleged victim or the respondent) of the filing of the appeal.

The Provost or designee will decide (1) that the decision of the hearing panel should stand; (2) that the decision of the hearing panel should be overturned; or (3) that additional hearings should occur or evidence should be obtained before making an appellate determination.

In the event that it is determined that the decision of the hearing panel should be overturned or that additional hearings should occur or additional evidence should be obtained, he or she will specify, after consultation with the Title IX Coordinator and other College administrators, as necessary, the appropriate steps to be taken to come to a final resolution of the complaint (which may or may not include an additional hearing or set of hearings before a different hearing panel or the Provost, or designee). The Provost, or designee, will notify the alleged victim and the respondent concurrently of the decision or action.

Appeals of Sanctions.

The sanctions imposed on the respondent may be appealed on the grounds that the severity of the sanction imposed is incommensurate with the gravity of the sexual misconduct for which the respondent was found responsible. Appeals must be made in writing to the Provost or designee. Appellants must provide a copy of their written appeal to the Title IX Coordinator. The Title IX Coordinator will promptly inform the other party (i.e., the alleged victim or the respondent) of the filing of the appeal.

The Provost, or designee, will decide (1) that the decision of the hearing panel should stand, (2) that the decision of the hearing panel should be overturned, or (3) that additional hearings should occur or evidence should be obtained before making an appellate determination.

In the event that the Provost, or designee, determines that the decision of the hearing panel should be overturned or that additional hearings should occur or additional evidence should be obtained, they will specify (after consultation with the Title IX Coordinator and other College administrators, as necessary) either (1) the final sanctions to be imposed on the respondent, which will not be subject to further appeal or (2) that another hearing will be convened before the hearing panel or the Provost, or designee, for the sole purpose of considering sanctions, in which case the final sanctions set by the hearing panel or Provost, or designee, will not be subject to further appeal. The Provost, or designee, will notify the alleged victim and the respondent concurrently of the decision or action within ten days of the appeal being filed.

Documentation.

The College will retain documentation (including but not limited to the written complaint, notifications, the investigative report, any written findings of fact, petitions for appeal, and any written communication between the

parties), in accordance with Florida Law. Documentation pertaining to terminations, expulsions, or educational sanctions may be retained indefinitely.

Prohibition Against Retaliation.

Retaliation against any person for filing, supporting, or providing information in good faith in connection with a complaint of sexual misconduct is strictly prohibited. Violations of this prohibition will be addressed through this guide and/or other College disciplinary procedures, as deemed appropriate in the College's discretion. Any person who feels that he or she has been subjected to retaliation should make a report to the Title IX Coordinator. If the concern about retaliation involves the Title IX Coordinator, an individual may contact the Provost, or designee, at 239-433-6950.

Prohibition on Providing False Information.

Any individual who knowingly files a false complaint under this guide, who knowingly provides false information to College officials, or who intentionally misleads College officials involved in the investigation or resolution of a complaint may be subject to disciplinary action.

Confidentiality.

The College encourages victims of sexual violence to seek help to get the support they need. This guide is intended to make students and employees aware of the various reporting and confidential disclosure options available to them. The College encourages victims to talk to someone identified in one or more of these groups.

Glossary of Related Terms.

Complainant. A "Complainant" is an individual who reports or files a complaint. A complainant may be someone other than the person who may have been subjected to the sexual misconduct. **Complaint.** A "Complaint" is an allegation of sexual misconduct asserted against another party and reported to or filed with the College.

Consent. The express communication or mutually understandable actions or words of the parties who are, or have been, involved.

- A sexual encounter is considered consensual when an individual(s) willingly and knowingly engages in sexual activity.
- Consent cannot be procured by the use of physical force, compelling threats, intimidating behavior, or coercion: The use of coercion can involve the use of pressure, manipulation, substances, and/or force. Ignoring the objections of another person or pressuring them is a form of coercion.

- Consent may never be given by a minor even if the other participant did not know the minor's age.
- Knowingly engaging in sexual activity with someone who is incapacitated by alcohol or drug use, unconsciousness, disability, involuntary physical constraint, sleep, or other forms of helplessness does not constitute consent. Incapacitation is a state where a person cannot make a rational, reasonable decision because the person lacks the ability to understand his or her decision.
- The use of alcohol or drugs does not diminish one's responsibility to obtain consent and does not excuse conduct that constitutes sexual misconduct under Florida SouthWestern State College's rules, regulations and policies. If at any time during a sexual act, confusion, or ambiguity regarding consent arises, each individual involved in the activity should stop and clarify the other's willingness to continue. Neither person should make assumptions about the other's willingness to continue.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or previous consent for sexual activity cannot imply consent to sexual activity on a different occasion.
- Silence, passivity, or lack of resistance cannot be interpreted as consent.
- Consent can be withdrawn at any time.

Dating Violence. "Dating Violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; AND, the existence of such a relationship shall be determined based on a consideration of:

- The length of the relationship-the type of relationship, and
- The frequency of interaction between the persons involved in the relationship. For the purpose of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Day. Any day on which the College's administrative offices are open.

Domestic Violence. "Domestic Violence" includes felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family

violence laws of the State of Florida, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Florida.

FERPA. The Family Educational Rights and Privacy Act ("FERPA") is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 CFR Part 99. FERPA protects the privacy of student education records. FERPA grants to parents or eligible students the right to access, inspect, and review education records, the right to challenge the content of education records, and the right to consent to the disclosure of education records.

Hostile Environment. When unlawful harassing conduct directed at an individual is sufficiently and objectively and subjectively severe, persistent, or pervasive that it interferes with or limits a student's ability to participate in or benefit from the services or opportunities offered by a school or, in the employment context, it alters the employees' conditions of employment which may create an abusive work environment then it creates a hostile environment and can violate an individual's rights under state and federal law. A hostile environment may exist even if there are no tangible effects on the individual, where the harassment is serious enough to adversely affect the individual's ability to participate in or benefit from the College's programs and activities, including its educational programs.

Material Sexual Misconduct. "Material Sexual Misconduct" is sexual misconduct that, considering the totality of the circumstances, is sufficiently serious and significant to warrant adjudication under and discipline pursuant to this guide. Specifically, to determine whether sexual misconduct rises to the level of material, sexual misconduct, consideration will be given to the following criteria:

- The type, frequency, and duration of the conduct (the more severe the conduct, the less the need to show a repetitive series of incidents, particularly if the harassment is physical)
- The identity of and relationship between the alleged harasser and the alleged victim
- The number of individuals involved
- The age and sex of the alleged harasser and the alleged victim
- The location of the incidents and the context in which they occurred
- Whether there have been similar incidents.
- Personally, Identifiable Information (as that term is defined by FERPA) includes, but is not limited to
- A Student's name

- The name of a Student's parent(s) or other family members
- The address of a Student or a Student's family
- A personal identifier, such as a Student's social security number, student number, or biometric record
- Other indirect identifiers, such as a Student's date of birth, place of birth, or mother's maiden name
- Other information that alone or in combination, is linked or linkable to a specific student, and that would allow a reasonable person in the College community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- Information requested by a person whom the College reasonably believes knows the identity of the Student to whom the education record relates.

Rape. 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.

Respondent. A "Respondent" is an individual who has been accused of committing sexual misconduct by the report or filing of a formal or informal complaint.

Retaliation. Retaliation occurs when the College, its employees, or students take materially adverse action because an individual has engaged, or may engage, in activity in furtherance of the equal opportunity laws. These laws include the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act, the Equal Pay Act, and the Genetic Information Nondiscrimination Act, which cover the protected categories discussed above. These statutory provisions prohibit individuals from retaliating because an individual engaged in "protected activity." Generally, protected activity consists of either making a complaint or participating in an investigation concerning alleged discrimination or opposing discrimination or unlawful harassment.

Sexual Assault. "Sexual Assault" means any actual, attempted or threatened sexual act with another person without that person's consent. Sexual Assault includes but is not limited to:

- Rape and attempted rape
- Intentional and unwelcome sexual touching (including disrobing or exposure), however slight, with any body part or any object, by a man or a woman upon a man or a woman, without effective consent, of a person's breasts, buttocks, groin, or genitals (or clothing covering such areas), or coercing, forcing, or attempting to coerce or force

another to touch you, themselves, or a third party with any of these body parts or areas when such touching would be reasonably and objectively offensive

- Any sexual act in which there is force, violence, or use of duress or deception upon the victim
- Any sexual act perpetrated when the victim is unable to give consent
- Sexual intimidation, which includes but is not limited to: 1) Threatening, expressly or impliedly, to commit a sexual act upon another person without his or her consent 2) Stalking or cyber-stalking
- Engaging in indecent exposure.

Sexual Exploitation. "Sexual Exploitation" means any act of taking non-consensual, unjust, or abusive sexual advantage of another person for one's own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual Exploitation includes, but is not limited to:

- Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such a person
- Prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another)
- Non-Consensual videotaping, photographing, or audio-taping of sexual activity and/or distribution of these materials via media such as, but not limited to, the Internet
- Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants)
- Voyeurism
- Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual

Sexual Harassment. "Sexual Harassment" is any unwelcome verbal, nonverbal, written, electronic or physical conduct of a sexual nature. Sexual harassment also includes acts of intimidation, bullying, aggression, or hostility based on gender or gender-stereotyping, even if the acts do not involve conduct of a sexual nature. Examples of sexual harassment include instances in which:

- Submission or consent to the behavior is reasonably believed to carry consequences for the individual's education, employment, on-campus living environment, or participation in a College

activity. Examples of this type of sexual harassment include: pressuring an individual to engage in sexual behavior for some educational or employment benefit, or making a real or perceived threat that rejecting sexual behavior will carry a negative educational or employment consequence for the individual.

- The behavior is so severe or pervasive that it has the effect of substantially interfering with the individual's work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education, on-campus living, or participation in a College activity. Examples of this type of sexual harassment include:
 - One or more instances of sexual assault
 - Persistent unwelcome efforts to develop a romantic or sexual relationship
 - Unwelcome sexual advances or requests for sexual favors
 - Unwelcome commentary about an individual's body or sexual activities
 - Repeated and unwelcome sexually-oriented teasing, joking, or flirting and
 - Verbal abuse of a sexual nature.

Sexual Misconduct. "Sexual Misconduct" means any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without consent. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by men or by women, and it can occur between people of the same or different sex. The College encourages reporting of all sexual misconduct. Sexual misconduct includes but is not limited to:

- Dating Violence
- Domestic Violence
- Non-forcible sex acts, which are unlawful sexual acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by State law, or between persons who are related to each other within degrees wherein marriage is prohibited by law
- Sexual Assault
- Sexual Exploitation
- Sexual Harassment
- Stalking

Stalking. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1) fear for his or her safety or the safety of others; or 2) suffer substantial emotional distress. For the purposes of this definition:

- **Course of conduct** means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Student. A "Student" is any student who is registered at the College or enrolled at the College (1) at the time of the alleged sexual misconduct and (2) at the time a complaint is filed.

Title IX Coordinator. The College's "Title IX Coordinator" is Angela Hawke, whose office is located in Building A Room 106-A and who may be contacted by phone at 239-489-9051 or by email at equity@fsw.edu.

The Title IX Coordinator has ultimate oversight responsibility for handling Title IX-related complaints and for identifying and addressing any patterns or systemic problems involving sexual misconduct. The Title IX Coordinator is available to meet with individuals who are involved with or concerned about issues or College processes, incidents, patterns, or problems related to sexual misconduct on campus or in College programs.

All allegations involving sexual misconduct should be directed to the Title IX Coordinator or other designated College individuals or offices as outlined in the Understanding and Reporting Sexual Misconduct document.

Protect Yourself from Date Rape Drugs

- Never leave your drink unattended. Date rape drugs can be slipped into any type of drink, and they are often colorless and odorless.
- Do not accept drinks from strangers.
- Watch your drink being poured.
- Attend events with friends who will be with you the entire time.
- If you think your drink has been tampered with, seek medical attention right away and request the hospital to conduct a toxicology test.

Your Safety is Our Concern

The Campus Police Department protects the rights of the campus community regardless of sex, race, color, ethnicity, sexual orientation, physical disability, religion, or other belief system. We maintain the highest ethical standards to ensure positive interactions and to maintain the continued trust and support of our community.

Our first and highest priority is the safety and welfare of the students, faculty and staff members, and visitors. To keep our campus community safe, we investigate suspicious behavior and identify violations. Our police officers actively patrol, enforce the criminal and motor vehicle laws of the state.

Why a Law Enforcement Officer Might Stop You

There are various reasons why a police officer may stop you. You may have committed a traffic violation, or your vehicle and/or the people in your vehicle may match the description of a suspect or suspect vehicle.

Traffic stops are stressful for you and the police officer. While you may feel anxious, angry, or confused, to ensure your safety, your passengers' safety, and the police officer's safety, please cooperate and comply with all instructions.

Prevent Campus Theft

Theft is the biggest crime problem facing college campuses across the nation. Electronics are a popular target for thieves. An owner walks away from their property for a moment and returns to find that the property is missing. We encourage everyone to self-record their property information in order to help increase the recovery of your property upon reporting it to a local law enforcement agency. By recording your serial number, the chances of recovering your property are much higher.

Bicycles are the best method of transportation to get around campus, but they are also a target if left unsecured or if inexpensive locks are used. Cross locking – using more than one kind of lock – is a good way to deter thieves. For example, put a U-shaped lock through your frame and front tire.

Keys To Prevent Auto Burglary & Theft

The Campus Police Department and other law enforcement agencies do everything in their collective power to prevent auto burglary and auto theft. The following are ten keys that can help you protect your vehicle from theft:

1. Always roll your windows up and lock your car.
2. Don't leave valuables in plain view. Items left in the open attract thieves. Store them in your trunk if necessary.

3. Engrave expensive accessories, such as car stereos and speaker systems, with your driver's license number. This aids the police in tracing the stolen items.
4. Never leave your vehicle running and unattended.
5. Install an antitheft device that is highly visible, hard to defeat, and renders the car inoperable.
6. Drop a business card or address label in the map pockets of your doors.
7. Don't hide a spare key.
8. Don't leave important papers such as bank statements, credit card statements, or other important documents in your car.
9. Photocopy your registration and insurance information and keep it in a safe place other than your vehicle.
10. Most importantly, be crime-wise. Think of what you can do to protect your belongings ahead of time before you become a victim. Don't become complacent.

If your vehicle has been burglarized, contact the Campus Police Department immediately and try not to touch the vehicle. The more you touch your vehicle, the more you contaminate the crime scene.

Keep phone numbers for law enforcement in your cellphone in case you need them.

SWFL CRIME STOPPERS HOTLINE—800-780-TIPS

FSW CAMPUS POLICE DEPARTMENT

EMERGENCIES: 911

Non-Emergencies:

Lee Campus 239-489-9203

Collier Campus 239-732-3712

Charlotte Campus 941-637-5608

Hendry-Glades Center 863-674-6017

Safe Escort Service:

Lee Campus 239-489-9203

Collier Campus 239-732-3712

Charlotte Campus 941-637-5608

Hendry-Glades Center 863-674-6017

FSW Resources

Student Housing: 239-432-7324

Maintenance: Lee Campus 239-489-9243 / Collier Campus 239-732-3779 / Charlotte Campus 941-637-5648 / Hendry-Glades Center 863-674-6022

Campus Counseling Center: 239-433-8023

OTHER EMERGENCY NUMBERS

Fort Myers Police Department: 239-321-7700

Cape Coral Police Department: 239-574-3223

Punta Gorda Police Department: 941-639-4111

Sanibel Police Department: 239-472-3111

FGCU Campus Police Department: 239-590-1000

Florida Highway Patrol: 239-344-1730

VICTIM SERVICES

Our mission is to collaborate with and empower organizations and individuals to eliminate violence in our community through advocacy, education, and training.

The Lee County Sheriff's Office offers victim advocate services that are free and available 24/7 to students, faculty, staff, and visitors. Lee County Sheriff's Office can be reached by calling 239-477-1000.

The Collier County Sheriff's Office offers victim advocate services that are free and available 24/7 to students, faculty, staff, and visitors. Collier County Sheriff's Office can be reached by calling 239-252-0230.

The Charlotte County Sheriff's Office offers victim advocate services that are free and available 24/7 to students, faculty, staff, and visitors. Charlotte County Sheriff's Office can be reached by calling 941-639-2101.

The Hendry County Sheriff's Office offers victim advocate services that are free and available 24/7 to students, faculty, staff, and visitors. Hendry County Sheriff's Office can be reached by calling 863-674-5600.

Victim advocates are available to assist with a variety of issues arising as a direct result of a crime, violence, or abuse – with or without a police report. Victim services also respond in person to specific locations on a case-by-case basis.

Services:

- Crisis intervention
- Emotional support
- Reporting and disclosure options
- Court support
- Personal advocacy
- Assistance filing injunctions for protection
- Safety planning

- Non-emergency campus medical appointments
- Training support program
- Referrals to on- and off-campus resources

In addition to intervention services, the Campus Police Department hosts special events and presentations to promote and educate the campus community and to raise awareness of rape, acquaintance rape, and other sexual assaults, as well as violence prevention and bystander intervention.

Additional information regarding services, events, and programs offered by the Campus Police Department can be found by visiting the website at <https://www.fsw.edu/campuspolice>.

SEX OFFENSES:

If you or someone you know has been directly impacted by sexual violence and you are unsure about reporting to the police, please contact an advocate via Rape Recovery Center's 24/7 crisis hotline at 800-627-5906. Victim advocates with the Lee, Collier, Charlotte, or Hendry County Sheriff's Offices can also provide immediate assistance and support, as well as offer specific options and resources. Recommendations for survivors of sexual violence:

- Call the 24/7 HOTLINE (Rape Recovery Center) 800-627-5906 or 801-467-7282.
- Consider filing a police report (recommended but not required).
- Do not change your clothing.
- Do not wash your body or clothes (saving clothing items, sheets, etc. can provide important evidence even if you delay reporting or disclosing)
- Do not alter/change the scene of the crime.
- Address health concerns as soon as possible (victim services can assist with related medical appointments on-campus or off-campus at Florida Council Against Sexual Violence 888-956-7273)
- Victim services will assist with notifying the local law enforcement agency within the jurisdiction of the occurrence if requested by the victim.
- Remember that support and assistance are only a phone call away.

VICTIM SERVICES CONTACT INFORMATION

24/7 HOTLINE: 800-627-5906

24-Hour Hospital Response Team Main Office: 801-467-7282

Office Hours: Monday–Thursday 9 a.m. to 5 p.m.
www.raperecoverycenter.org

Lee County Sheriff's Office Victim Advocate Unit

14750 Six Mile Cypress Parkway Fort Myers, FL 33912

Admin Phone: (239) 477-1687 Fax: (239) 477-1000

Collier County Sheriff's Office Victim, Witness and Senior Services

3319 Tamiami Trail East Admin

Phone: 239-252-0230

Naples, FL 34112

Charlotte County Sheriff's Office Victim's Advocate

7474 Utilities Road Admin Phone: 941-205-5636

Punta Gorda, FL 33982

Hendry County Sheriff's Office Victim Services

101 S Bridge Street Labelle, FL 33935

Admin Phone: (863) 674-5600

Campus Sex Crimes Prevention Act**For more information**

[www.govinfo.gov/content/pkg](http://www.govinfo.gov/content/pkg/FR-2002-10-25/pdf/02-27257.pdf)

[/FR-2002-10-25/pdf/02-](http://www.govinfo.gov/content/pkg/FR-2002-10-25/pdf/02-27257.pdf)

[27257.pdf](http://www.govinfo.gov/content/pkg/FR-2002-10-25/pdf/02-27257.pdf)

Florida SouthWestern State College has a victim advocate available to students. The victim advocate can be reached at 239-433-8023. The victim advocate is able to assist students who are victims of sexual violence both on and off-campus. The victim advocate will work with students to connect them with FSW and community resources.

If you or someone you know has been impacted by sexual violence, and you are unsure about reporting to the police, please contact an advocate at a local rape crisis center.

Recommendations for survivors of sexual violence:

- Lee County- Abuse Counseling and Treatment Center (ACT) 239-939-3112 (24-hour helpline)
- Hendry and Glades County- Abuse Counseling and Treatment Center (ACT) 1-800-500-1119 (domestic violence helpline) or 1-888-956-7273 (sexual assault hotline)
- Charlotte County- The Center for Abuse & Rape Emergencies (C.A.R.E.) 941-627-6000 (24-hour hotline)
- Collier County- Project Help 239-262-7227 (Crisis HELP line) or 1-800-329-7227
- Local Law Enforcement Victim Services Contact Information

- Lee County Sheriff's Office Victim of Violent Crime Assistance 239-477-1050
- Cape Coral Police Department Victim Assistance Program 239-574-0656
- Fort Myers Police Department Victim Witness Assistance Program 239-321-8019
- Hendry County Sheriff's Office Victim Advocate 863-674-5600 ext. 5602
- Glades County Sheriff's Office 863-946-1600
- Charlotte County Sheriff's Office Victim Assistance Program 941-205-5636
- Collier County Sheriff's Office Victim Witness Services 239-252-0230
- Naples Police Department Victim Assistance Section 239-213-484

SHERIFF/POLICE DEPARTMENTS

COLLIER COUNTY Sheriff (239) 774-4434

Marco Island Police (239) 389-5050

CHARLOTTE COUNTY Sheriff (941) 639-2101

HENDRY/GLADES COUNTY Sheriff (863) 674-5600

Clewiston Police (863) 983-1474

LEE COUNTY Sheriff (239) 477-1000

Fort Myers Police (239) 321-7700

Cape Coral Police (239) 574-3223 State

Attorney Victim Advocate (239) 332-4233

RAPE/ABUSE/VIOLENCE HOTLINES

FLORIDA ABUSE HOTLINE

Office: (850) 487-6100 Hotline: (800) 96-ABUSE (22873)

FLORIDA DOMESTIC VIOLENCE HOTLINE 1-800-500-1119

FLORIDA COUNCIL AGAINST SEXUAL VIOLENCE RAPE CRISIS HOTLINE

1-888-956-RAPE (7273)

DEPARTMENT OF CHILDREN AND FAMILIES

1-800-956-ABUSE

NATIONWIDE

NATIONAL SEXUAL ASSAULT HOTLINE 1-800-656-HOPE (4673)

RAINN (Rape, Abuse, & Incest National Network) 1-800-656-4673 rainn.org

NATIONAL DOMESTIC VIOLENCE HOTLINE: 1-800-799-7233

NATIONAL TEEN DATING ABUSE HOTLINE: 1-866-331-9474

MEN'S DOMESTIC ABUSE HELPLINE: 1-888-743-5754

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

Sexual Offender/Predator Unit: 1-888-357-7332

TTY -www.fdle.state.fl.us

Victim Compensation: 1-800-226-6667

<http://myfloridalegal.com>

FLORIDA DEPARTMENT OF CORRECTIONS

Victim Information and Notification Everyday (VINE) & Victim Assistance Office: 1-877-8-VICTIM (1-877-884-2846),

Toll-free VINE line: 1-877-VINE-4-FL (1-877-846-3435)

FREE CONFIDENTIAL COUNSELING ON CAMPUS

Lee Campus: (239) 489-9046 Lee Campus: Q-103

Charlotte Campus: (941) 833-5329 Charlotte Campus: J-115

Collier Campus: (239) 732-3414 Collier Campus: J-211

Hendry/Glades Center: (863) 674-6002 Hendry/Glades Center: A-123


Appointments are required (except for emergencies) and can be made by calling each campus.

Florida Bar Lawyer Referral Service

800-342-8011 www.floridabar.org

Referral service to find legal representation in Florida.

CAMPUS POLICE DEPARTMENT

Lee Campus 8099 College Parkway Fort Myers, Florida 33919 Building D, Room 101  239-489-9203

Collier Campus 7505 Grand Lely Drive Naples, Florida 34113 Building A, Room 100 239-732-3712

Charlotte Campus 26300 Airport Road Punta Gorda, Florida 33950 Building N, Room 105 941-637-5608

Hendry Glades 1092 E. Cowboy Way LaBelle, FL 33935 Building B, Room 102 863-674-6017 Hours of Operation 24 hours a day 7 days a week

HOSPITALS/MEDICAL CENTERS

LEE COUNTY

Lee Memorial Hospital 2776 Cleveland Avenue Fort Myers, Florida 33901 Phone: (239) 343-2000

Cape Coral Hospital 636 Del Prado Blvd. Cape Coral, Florida 33990 Phone: (239) 424-2000

Gulf Coast Medical Center 3681 Doctors Way Fort Myers, Florida 33912 Phone: (239) 343-1000

Health Park Medical Center 9981 S. Health Park Drive Fort Myers, Florida 33908 Phone: (239) 343-5000

Lehigh Regional Medical Center, 1500 Lee Blvd. Lehigh Acres Florida, 33936 Phone: (239) 369-2101

Lee County Health Department 3920 Michigan Avenue Fort Myers, Florida 33916 Phone: (239) 332-9501

Bonita Community Health Center 3501 Health Center Boulevard Bonita Springs, Florida 34135 Phone: (239) 949-1050

CHARLOTTE COUNTY Fawcett Memorial Hospital

21298 Olean Boulevard Port Charlotte, Florida 33952 Phone: (941) 629-1181 Bayfront Health Punta Gorda 809 E. Marion Ave. Punta Gorda, Florida 33950 Phone: (941) 639-3131

Bayfront Health Port Charlotte 2500 Harbor Blvd. Port Charlotte, Florida 33952 Phone: (941) 766-4122

Englewood Community Hospital 700 Medical Blvd Englewood, Florida 34223 Phone: (941) 475-6571

Department of Health in Charlotte County, 1100 Loveland Blvd. Port Charlotte, Florida 33980 Phone: (941)-624-7200

COLLIER COUNTY

North Naples Hospital Campus 11190 Healthpark Boulevard Naples, Florida 34110 Phone: (239) 552-7000 Downtown Naples Hospital Campus 350 Seventh St. North, Naples Florida 34102 Phone: (239) 624-5000

NCH Urgent Care 801 Vanderbilt Beach Road Naples, FL 34108 Phone: (239) 596-9482

Department of Health Collier County 3339 Tamiami Trail East, Bldg. H, Suite 145 Naples, Florida 34112 Phone: (239) 252-8200

Health Dept. - Golden Gate Office 4945 Golden Gate Parkway, Suite 102 Naples Florida, 34116 Phone: (239) 353-1274

Health Dept. - Immokalee Office 419 North First Street Immokalee, FL 34142 Phone: (239) 252-7300

HENDRY/GLADES COUNTY

Hendry Regional Medical Center 524 West Sagamore Avenue Clewiston, Florida 33440 Phone: (863) 902-3000

COUNSELING AND SUPPORT

LEE COUNTY

Abuse Counseling and Treatment, Inc. P.O. Box 60401 Fort Myers, Florida 33906 Phone - 239-939-2553 Fax - 239-939-4741 HOTLINE - 239-939-3112 Email: act@actabuse.com www.actabuse.com

H.O.P.E. of Southwest Florida (239) 332-6378

Lee County Sheriff Victim Assistance (239) 482-4673

Sexual Trauma and Offender 1560 Matthew Drive Fort Myers, Florida 33907 Phone: (239) 936-5455

Fort Myers Police Dept. Victim Advocate (239) 939-2808

Cape Coral Police Dept. Victim Advocate (239) 939-3112

Cape Counseling Services (941) 574-0653

Victim Advocate Spanish Line (Línea de Asistencia de Víctimas en Español) (239) 477-1678

Victim Compensation (Compensación para Víctimas) 1-800-226-6667

CHARLOTTE COUNTY

Center for Abuse and Rape Emergencies (CARE) P.O. Box 510234 Punta Gorda, FL 33951 Office: (941) 639-5499 Fax: (941)637-7079 Hotline: (941) 627-6000 Email: carefl@comcast.net www.carefl.org

COLLIER COUNTY

Project Help (239) 649-1404 www.projecthelppnaples.org

Collier County Sheriff Victim Advocates (239) 793-9213

The Shelter for Abused Women and Children Hotline (239) 775-1101 (24/7) 1-800-962-2873

D.A.R.T. - DOMESTIC ABUSE RESPONSE TEAM Naples - (239) 793-9213 Immokalee - (239) 657-6168

Immokalee S.A.F.E. Center (239) 657-4434

HENDRY/GLADES COUNTY

Glades County Sheriff Victim Advocate (863) 946-1600

Shelter for Abused Women (863) 674-1811

Domestic Violence Unit at the Court House (Injunctions for Protection) (863) 675-5208

HELPFUL LINKS

THE NATIONAL DOMESTIC VIOLENCE HOTLINE
www.thehotline.org

MALE SURVIVOR malesurvivor.org

DOMESTIC SHELTER www.domesticshelters.org

AFTER SILENCE www.aftersilence.org

DOMESTIC ABUSE HELPLINE FOR MEN & WOMEN
www.dahmw.org

Department of Justice Office on Violence Against Women (OVW) www.justice.gov/ovw

Women's Law womenslaw.org

AARDVARC: An Abuse, Rape & Domestic Violence Aid & Resource Collection <http://www.aardvarc.org/>

National Resource Center on Domestic Violence
<http://www.nrcdv.org>

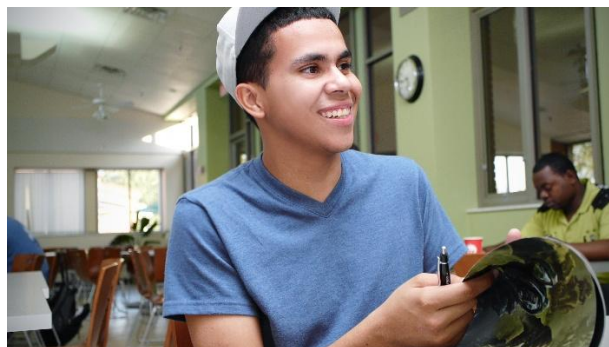
Office on Women's Health womenshealth.gov

Human Rights Coalition www.hrc.org/resources/entry/hate-crimes-and-violence-against-lgbt-people

American College Health Association
www.acha.org/topics/violence.cfm

NATIONAL CENTER FOR LESBIAN RIGHTS
www.nclrights.org/sexual-assault-in-the-lgbtcommunity

Stop Abuse For Everyone (SAFE) www.safe4all.org



NOT ALONE

<https://www.notalone.gov/resources/>

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include: <http://www.raperecoverycenter.com/> website dedicated to preventing sexual misconduct

<http://www.rainn.org> Rape, Abuse and Incest National Network

<http://www.ovw.usdoj.gov/sexassault.htm> Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html>
Department of Education, Office of Civil Rights

<https://www.notalone.gov/> The White House

HOW TO BE AN ACTIVE BYSTANDER

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do, even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another, and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, and try to make out with or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off-campus resources listed in this guide for support in health, counseling, or with financial or legal assistance.
6. Risk Reduction
7. With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org).
8. Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
9. Try to avoid isolated areas. It is more difficult to get help if no one is around.
10. Walk with purpose. Even if you don’t know where you are going, act like you do.
11. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
12. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
13. Make sure your cell phone is with you and charged and that you have cash money.
14. Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
15. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
16. When you go to a social gathering, go with a group of friends. Arrive together, check-in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
17. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
18. Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
19. Watch out for your friends and vice versa. If a friend seems out of it or is acting out of character, get him or her to a safe place immediately.
20. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
21. If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
 - I. Remember that being in this situation is not your fault. You did not do anything wrong. It is the person who is making you uncomfortable that is to blame.
 - II. Be true to yourself. Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.

- III. Have a code word with your friends or family so that if you don't feel comfortable, you can call them.

Institutional Fire Safety Policies for FSW Residence

FSW is committed to providing a safe living, working, and learning environment. The mission of the Housing and Residence Life is to provide students living in College-owned, managed, and affiliated housing with a safe and secure environment that is conducive to both academic and personal achievement. In addition to providing supervision, structure, and resident services in our communities, the department promotes the personal growth and development of each resident through intentional programming efforts and outreach. In our partnership with other units within Student Affairs, Campus Police Department, and the larger FSW community, the department strives to foster scholarship as a fundamental purpose, instill a sense of community, and support individual responsibility, creativity, integrity, and excellence.

Fire safety is a top priority in FSW residential facilities. It is vital that members of the community understand and follow all rules and regulations. In an effort to further enhance improvements to fire safety, the Housing and Residence Life, Campus Police Department, and the Facilities Department are continually evaluating the building systems for needed upgrades and scheduling them as they are required. The Campus Police Department also monitors the training needs for added topics of discussion to improve fire safety awareness.

A Daily Fire Log is maintained and accessible to the public and can be viewed at <https://www.fsw.edu/campuspolice/crimelog> or in person at the Campus Police Department Building D 8099 College Parkway Fort Myers, Florida 33919.

Fires can present a serious problem in on-campus housing owned by the College. Though the damage is usually confined to property destruction, the loss of personal items or of life is a possibility. The College highly recommends residents obtaining renter's insurance to protect against such losses. Fires are often started through carelessness with cooking, matches, and cigarettes. Many fires can be avoided by using caution and common sense. By accepting the responsibility to keep residences safe from fire, residents are not only protecting themselves but their neighbors, as well. With only minimal planning and awareness, residents can make the difference between safety and disaster for everyone.

Fires And Emergency Evacuation

In the Event of Fire: If a fire or suspicious smoke is observed in any of the campus buildings, it is suggested that the pull station be activated to sound the building

alarm, call 9-1-1, and evacuate the building in an orderly fashion. The Campus Police Department will be contacted at the same time as the Lee County Fire Department if 9-1-1 is dialed from a landline on campus. If a landline is not used to dial 9-1-1, the Campus Police Department will need to be notified immediately following by dialing 239-489-9203. The Campus Police Department personnel will respond to the sounding alarm and will direct residents accordingly. Always follow the direction of the FSW personnel, police officers, or the County Fire Department.

Evacuation Procedures: When an alarm sounds, all residents and their guests must immediately evacuate the building using the nearest exit, closing doors behind you, and proceed to the building's evacuation location. Use stairwells were available instead of elevators. Do not rush out into the hallway. If the door to evacuate is closed, first, feel the door by gently applying the back of your hand. If it is hot, use another way out. If the door is cool, you may leave through that door and locate the nearest exit. All residents and their guests are required to evacuate the building, whether it is a drill, an active fire, or other threat-related incident. Failure to evacuate a building when an alarm has sounded or when directed by FSW personnel, the Campus Police and/or County Fire Department is strictly prohibited and may result in student conduct action and/or termination of the resident's housing agreement. Stand out of the way of FSW personnel and other personnel as they work to manage the incident.

If You Are Not Able to Evacuate: Smoke rises, so the cleanest air is near the floor. If the planned escape route becomes smoky, crawl out of the building on your hands and knees. If escaping the room is not possible, stuff wet towels, sheets, and/or clothes around the door and vents to keep smoke out. Call 9-1-1 and give them your location. If no smoke is coming into the room, slightly open a window if possible. Stay low, yell and wave a bright cloth, towel, or sheet out a window to signal your location.

Evacuation Locations: Each building is equipped with a map of the facility outlining evacuation routes. During the fall and spring semesters, mandatory fire drills are conducted by each Residence Director. A fire drill checklist is completed by each Residence Director and submitted to the Chief of Police or a designee for filing. Students are instructed to remain at least 500 feet away in the designated area established by the Residence Director. If you think someone is missing or trapped inside the building, report this to the staff and emergency personnel on-site.

Re-entry to the Building: Do not re-enter the building until you are instructed to do so. This order will be given by the Facilities Department, Housing and Residence Life, or the Campus Police Department. Failure to comply may result in student conduct action and/or termination of the resident's housing agreement.

Reporting: Fire or suspicion of fire in a building should be reported at once to a staff member, police officer, or administrative personnel.

If an FSW community member finds evidence of a fire that has been extinguished, and the person is not sure whether a police officer had already responded, the community member should immediately notify the Campus Police Department to investigate and document the incident.

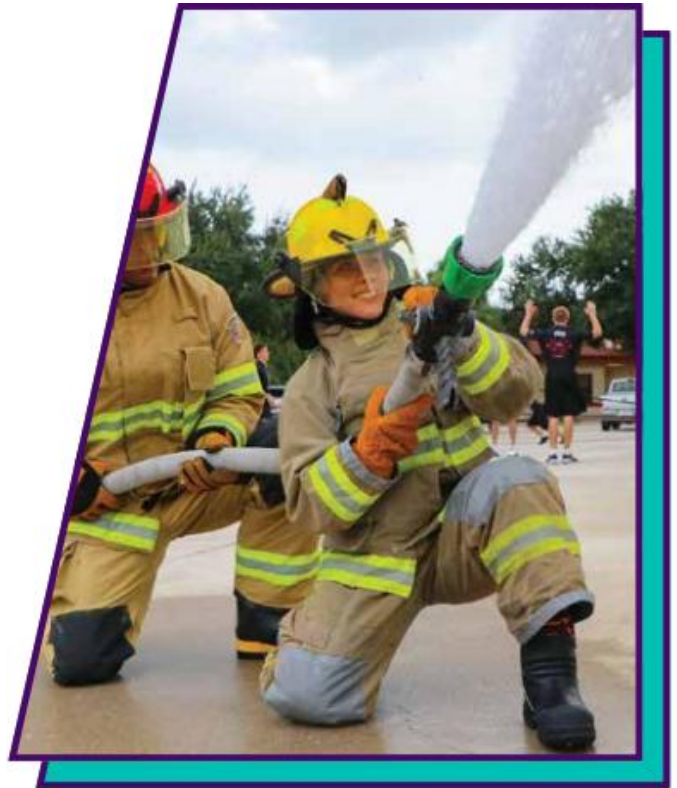
Accidental Fire Alarms: Any campus resident who activates the building fire alarm, accidentally or without a true emergency, may be responsible for any related costs from the County Fire Department response. Any unauthorized use or destruction of fire safety equipment or alarms will be documented and reported. This includes, but is not limited to, errors in cooking, smoking, vandalism, pranks, and policy violations. Any additional costs beyond this and any applicable policy violation charges may also be assessed to the responsible resident(s). Neither students nor staff can interrupt fire department units once they have been dispatched to the campus community. If an alarm is activated, a Resident Director or the Campus Police Department should be contacted to help residents better respond to protecting themselves and others in the community.

Fire Drills, Training, and Inspections

Fire Drills: During the fall and spring semesters, mandatory fire drills are conducted by each Residence Director. A fire drill checklist is completed by each Residence Director and submitted to the Chief of Police or a designee for filing. Residence hall staff will conduct periodic fire drills to acquaint the students with emergency evacuation procedures.

Fire, Health, and Safety Inspections: For the safety of all community residents, room inspections are completed throughout the year to conduct specific fire, health, and safety checks. Unlawful obstruction of doors, windows, and building exits is prohibited and will result in suspension from the College.

Training: It is the policy of Florida Southwestern State College to reduce risk and protect all members of the campus community, to include students living in on-campus student housing, against injury or death due to fire. Fire safety education and training topics include fire extinguisher use, evacuation procedures, and general fire prevention topics.



Fire Safety Equipment

Fire Alarm Systems: LHC is equipped with fire detection and prevention equipment. LHC is equipped with fire alarm systems to provide emergency occupant notification (i.e., audible alarms, strobes, etc.) throughout the residence hall. Manual pull stations are located around LHC.

Fire Extinguishers: Residents are encouraged to familiarize themselves with the location of the fire extinguisher closest to their suite and throughout LHC. All residents should know how to use a fire extinguisher. If a resident does not know how to use one and would like to learn, please contact a member of the Office of Housing & Residence Life.

Smoke Detectors: All suites are equipped with smoke detectors. Residents should not, under any circumstances, tamper or cover any life safety devices as it puts everyone in the LHC community in danger. If smoke detector(s) beep or sound for an unknown reason, please notify the Office of Housing & Residence Life immediately. All smoke detectors are inspected on an annual basis.

Sprinklers: All LHC suites are equipped with fire suppression sprinklers. Sprinklers are provided to protect both residents and their belongings and are not to be tampered with or used to hang items on.

Building Fire Equipment Maintenance: Any mechanical problems with life safety equipment, doors, locks, etc. should be reported to the Office of Housing & Residence Life or Public Safety so appropriate work orders with Facilities can be submitted.

Tampering with Life Safety Equipment: Tampering with any part of life safety equipment, including false alarms from pull stations, obstructing or tampering with doors, smoke detectors, sprinkler heads, evacuation/exit signs, pipes, or illegal use of a fire extinguisher are violations of School/Housing policy and state laws. A resident could be held liable for Fire Department fines, cleanup costs, and any sanctioning through the Student Conduct process, which could include removal from on-campus housing.

Fire Prevention Cooking and Appliances

Permitted Appliances Outside of Kitchens: Residents are permitted to have small electrical appliances, such as coffee makers/Keurig's, mini-refrigerators (not to exceed 3cubic feet), and slow cookers. All electrical devices must have the ability to shut-off on its own.

Safe Operation: All appliances should be plugged directly into the wall outlets and not into a power strip.

Cooking Tips to Avoid Smoke Alarms: Remember to use caution when cooking and never leave food unattended. Have a tight-fitting lid available to cover a pan or pot until it cools if a problem arises. Make sure to always turn your appliances off, including stovetop, if there is not an automatic shut-off built-in. If your smoke detector sounds from cooking ONLY in your suite, and there is no fire: Notify your Resident Assistant (RA) immediately. Turn on the exhaust fan above your stovetop to help clear any smoke.

Fire Prevention-General Safety

Candles, Open Flames, Incense, and Flammable Materials: Oil-based deodorizers that plug into electrical outlets are not permitted in LHC. Due to the potential fire hazard, the unauthorized use of an open-flame (i.e., candles, incense, fires, lighters, BBQ grills, etc.) is prohibited and may result in disciplinary action.

Circuit Breakers and Electrical Cords: Breakers in rooms will trip when overloaded. It is best not to use high wattage items such as hairdryers, curling irons, etc. in your bedroom where any other appliances are currently running. Small electronic equipment, such as stereos, televisions, computers, and fans, are permitted. Power strips should only be used for computer configurations. All other items should be plugged directly into the provided wall outlets. Extension cords are not allowed in LHC. Surge Protectors (120v) with a built-in manual reset 15-amp circuit breaker are permissible. The maximum allowable length of a surge protector cord cannot exceed 6 feet. Only one surge protector can be used per wall outlet, and multiple surge protectors cannot be plugged into one another.

Prohibited Items and Hazardous Materials: In addition, explosives, fireworks, flammable or any hazardous substances, or any items of a dangerous nature are strictly prohibited within LHC, including but not limited to gasoline,

lighter fluid, propane, dive tanks, combustible materials, etc. The Director of Housing & Residence Life, or his/her designee, as well as the Public Safety Department, have the final authority in determining the classification of an item as hazardous. All items deemed hazardous must immediately be removed when requested.



Smoking: FSW is a smoke-free campus. No smoking is permitted on campus, In compliance with the Florida Clean Air Act of 1992. Smoking is not permitted in any residence hall, apartment room, hallway, lounge, laundry room, community center, common house space, classroom, or enclosed stairs of any building. Additionally, all other outside areas and other locations on campus, such as the Arena, fields, parking lots, etc. are smoke-free.



Weapons, Fireworks Policy: Weapons such as, but not limited to, firearms/guns, BB guns, pellet guns, paint-ball guns, airsoft guns, throwing knives, knives with blades longer than three inches, and martial arts weapons are not permitted on campus. The manufacturing, possession, or use of explosive devices or fireworks is prohibited. Florida Statute 790.115 prohibits the possession, control, or display of any firearm, electric weapon or device, destructive device, or other weapon as defined in Florida Statute 790.001, while on the property of FSW. Individuals who possess a license to carry concealed weapons are not exempt.

Housing and Residence Life

2022-2024 On-Campus Residential Facility Fire Safety Equipment and Drills.

Name of Facility	Address	Fire Alarm Monitoring Done by Simplex	Smoke Detectors	Fire Extinguishers	Pull Fire Alarm Systems	Sprinkler Systems	Number of Fire Drills Conducted
Lighthouse Commons	13301 FSW Parkway, Fort Myers, FL, 33919	X	X	X	X	X	2022 - 2 2023 - 2 2024 - 2

2022 – 2024 FSW Residential Fire Report

Residential Facilities	Cause	Date/Time	Total Number of fires in Each Building 2022	Total Number of fires in Each Building 2023	Total Number of fires in Each Building 2024
Lighthouse Commons			0	0	0

Residential Facilities	Injuries Requiring Treatment at Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused By Fire	N/A
0	0	0	0	

There were no fires in 2022
There were no fires in 2023
There were no fires in 2024



Campus Maps

LEE CAMPUS

8099 COLLEGE PARKWAY
FORT MYERS, FL 33919

FLORIDA
SOUTHWESTERN
STATE COLLEGE

MAP KEY

Walker Hall.....	A	B.B. Mann Performing Arts Hall.....	M
Nursing Building.....	AA	Royal Palm Hall.....	N
Gresham Hall.....	B	Sabal Hall.....	O
Gresham Annex.....	C	Areca Hall.....	P
White Hall.....	D	Howard Hall.....	Q
Physical Plant Central.....	DD	Physical Plant West.....	R
Facilities Annex.....	E/F	Taeni Student Services Hall.....	S
Presidio Information Tech Center.....	G	Collegiate High School.....	T
Leonhardt Hall.....	H	Classroom Building.....	U
Robinson Hall.....	I	Shipping & Receiving.....	V
Richard H. Rush Library.....	J	Lighthouse Commons.....	W
Hendry Hall.....	K	Suncoast Credit Union Arena.....	X



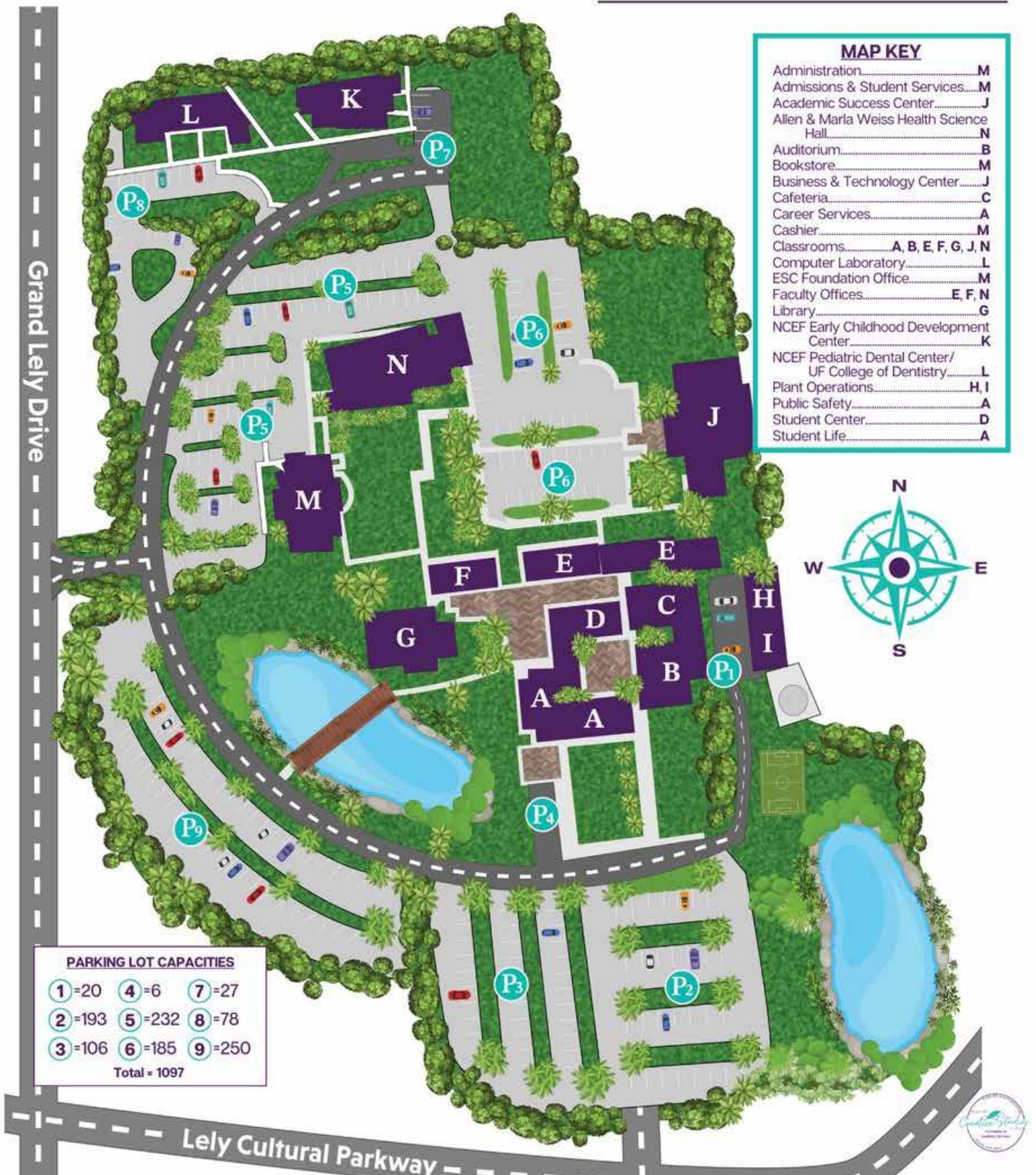
PARKING LOT CAPACITIES			
1 = 277	8 = 188	14 = 23	
2 = 110	9 = 376	16 = 30	
3 = 80	10 = 118	17 = 356	
4 = 130	11 = 208	18 = 317	
5 = 127	12 = 531	19 = 154	
6 = 23	13 = 45	20 = 188	
Total = 3281			



COLLIER CAMPUS

7055 GRAND LELY DRIVE
NAPLES, FL 34113

FLORIDA
SOUTHWESTERN
STATE COLLEGE



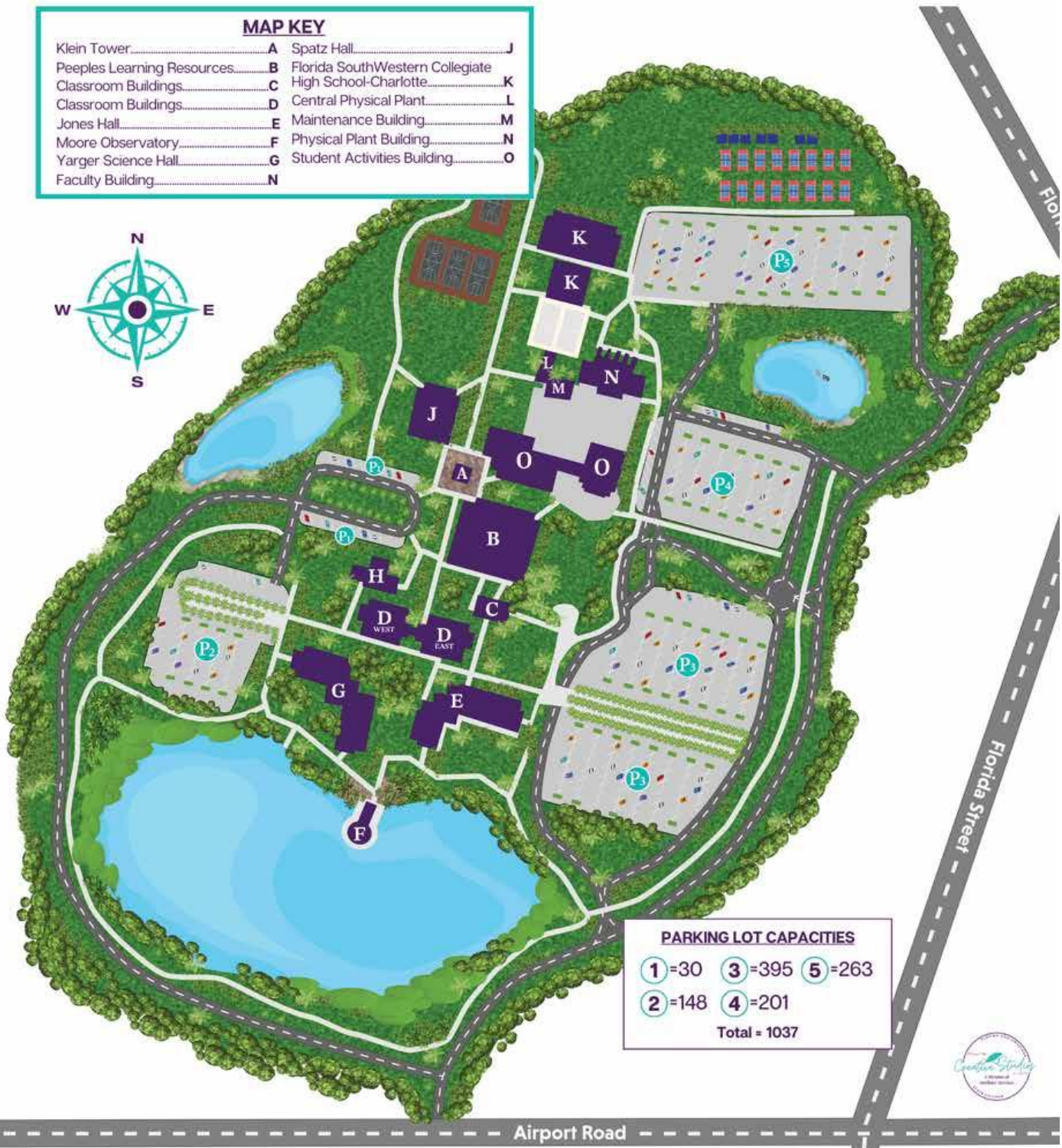
CHARLOTTE CAMPUS

26300 AIRPORT ROAD
PUNTA GORDA, FL 33950

FLORIDA
SOUTHWESTERN
STATE COLLEGE

MAP KEY

Klein Tower.....	A	Spatz Hall.....	J
Peebles Learning Resources.....	B	Florida SouthWestern Collegiate	
Classroom Buildings.....	C	High School-Charlotte.....	K
Classroom Buildings.....	D	Central Physical Plant.....	L
Jones Hall.....	E	Maintenance Building.....	M
Moore Observatory.....	F	Physical Plant Building.....	N
Yarger Science Hall.....	G	Student Activities Building.....	O
Faculty Building.....	N		



PARKING LOT CAPACITIES

1 = 30	3 = 395	5 = 263
2 = 148	4 = 201	
Total = 1037		

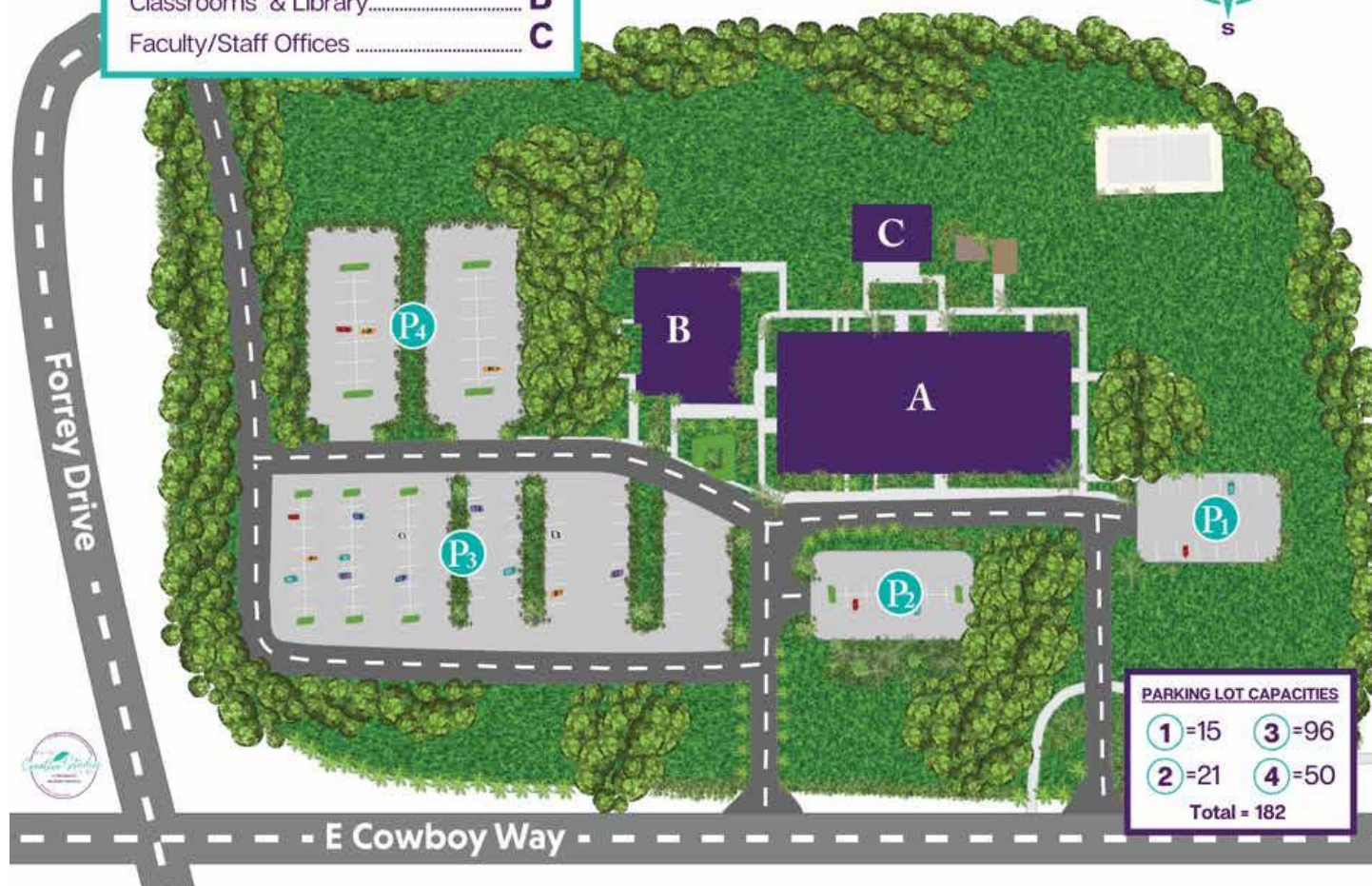


HENDRY/GLADES CURTIS CENTER CAMPUS

1092 E COWBOY WAY
LABELLE, FL 33935

MAP KEY

- Student Services..... **A**
 ADaptive Services
 Admissions
 Advising
 Career Center
 Cashier
 Records & Registration
 Testing & Assessment
 Classrooms & Library..... **B**
 Faculty/Staff Offices **C**



PARKING LOT CAPACITIES

1 = 15	3 = 96
2 = 21	4 = 50
Total = 182	

FLORIDATM SOUTHWESTERN STATE COLLEGE



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