SEXUAL ASSAULT POLICY

It is the policy of Florida Keys Community College to create and maintain a climate where students may pursue personal, social, cultural, and interpersonal growth without fear of sexual exploitation, assault, or discrimination. Cases involving violation of this policy will be handled in a confidential manner by the Dean of Student Affairs (Board Rule 4.310).

DEFINITION

Behavior that is prohibited by Florida Keys Community College shall include, but is not limited to, sexual battery, sexual harassment, public indecency, and voyeurism.

A. SEXUAL BATTERY (Sexual Assault):

Under Florida Law, sexual battery is defined as follows: “Oral, and or vaginal penetration by union with a sexual organ of another or the anal or vaginal penetration by another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.” Section 794.011 Florida Statutes.

B. SEXUAL HARASSMENT:

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature which prevents or impairs that person’s full enjoyment of educational benefits, climate, or opportunities. Florida Keys Community College maintains a separate administrative procedure on sexual harassment.

C. PUBLIC INDECENCY:

Public indecency is defined as exposing one’s body in such a manner that another party reasonably could be offended or sexual conduct where another party reasonably could be offended.

D. VOYEURISM
Voyeurism is defined as trespassing, spying or eavesdropping for sexual arousal.

II. PENALTIES - SEXUAL ASSAULT

A. STATE OF FLORIDA

The commission of sexual battery is considered a felony under most circumstances in the state of Florida. Felonies are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories with the prescribed penalties:

- **Capital Felony - Penalty**
  Life imprisonment and must serve no less than 25 years before becoming eligible for parole unless the proceeding held to determine sentence results in finding that such person shall be punished by death.

- **Life Felony - Penalty**
  For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years;

- **Felony of the First Degree - Penalty**
  A term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.

- **Felony of the Second Degree - Penalty**
  A term of imprisonment not exceeding 15 years.

- **Felony of the Third Degree - Penalty**
  A term of imprisonment not exceeding 5 (five) years.
Whether a person is charged and/or convicted of a particular felony in the state of Florida will depend on certain acts or circumstances existing during the commission of the sexual assault, e.g. the age of the victim; the use of threat of a deadly weapon or the use of actual physical force likely to cause serious personal injury; use of drugs or intoxicating substances to incapacitate the victim, mentally or physically; the number of perpetrators involved in the crime; if the offender is an habitual felony offender, etc.

B. FLORIDA KEYS COMMUNITY COLLEGE

Violation of this policy, or conviction for the violation of any statute occurring on FKCC owned or leased premises, shall, in addition to any criminal penalties; result in the following penalties imposed by FKCC.

1. STUDENTS

The right of due process is assured all students by College Rules and Procedures. At Florida Keys Community College, a Student Conduct Administrator is responsible for addressing student cases involving disciplinary actions or student complaints. Cases of misconduct of a serious nature, such as violation of board rules or state laws, may result in suspension or expulsion and are therefore typically referred directly to the Dean of Student Affairs. The Student Conduct Administrator and/or Dean of Student Affairs adhere to the Code of Conduct Violations Procedures. Any convictions for a felony involving sexual battery will result in expulsion from FKCC.

2. EMPLOYEES

The college seeks to resolve conduct and performance problems in the most positive manner possible. Under those circumstances when disciplinary action, including termination, becomes a necessary means of modifying undesirable situations, the college has established disciplinary policies and procedures.
3. VISITORS

For a violation of the college policy, or conviction of any criminal statute as above, a visitor, whether invited or uninvited, shall be subject to disciplinary action, up to and including being permanently banned from college premises and activities and may be reported to law enforcement authorities, as determined by the Dean of Student Affairs. Florida Keys Community College reserves the right to discipline students for acts of sexual misconduct committed off campus.

III. VICTIM RIGHTS

- The following victim rights have been established: The right of a victim to have a person of their choice accompany her/him throughout the disciplinary hearing. This person will act as a support person or counsel but will not represent the victim while he/she appears as a witness.
- The right of the victim to submit a list of questions related to the alleged incident, prior to the hearing, that she/he feels the accused should be asked during the hearing process.
- The right not to have her/his irrelevant past conduct, including sexual history, discussed during the hearing process.
- Additionally, no person will print, publish or broadcast or cause or allow to be printed published or broadcast, in any instrument of mass communication, the name, address or other identifying fact or information of the victim of any sexual offense.
- The Dean of Student Affairs will coordinate victim assistance for victims and their families. Such assistance may include services provided by external sources that may be more qualified to assist victims.

IV. AWARENESS EDUCATION

The Dean of Student Affairs will be responsible for developing and implementing an educational program to assure campus awareness of the problems and the needs and rights of victims. This sexual assault policy and procedure will be included in the Student Handbook (Code of Student
Conduct) which will be discussed at orientation and disseminated during registration. Additionally, the student newsletter “VOICES” will periodically publish this rule.

V. RESPONSES TO REPORTS OF SEXUAL BATTERY

Generally, the Office of the Dean of Student Affairs will be the first department contacted after an incident occurs at a campus. A local law enforcement agency will be notified and the incident will be referred to the agency.

The following reporting guidelines are developed for members of the campus community:

- If an incident is reported, recognize that the individual might be struggling with painful feelings -- denial, fear, embarrassment, or rage-- when seeking assistance. To build trust and to assist the individual in getting further help, validate the courage she/he has shown in talking to you and assure her/him that she/he need not be alone in her/his struggle with this issue. Keep in mind that while no one invites sexual assault, many people may feel that it was the victim’s fault. Be careful not to suggest that the individual is at fault (by asking, for example, “What were you doing out so late?”). This may contribute to feelings of guilt and impede the healing process.

- Urge the individual to seek assistance from campus support services. Offer to accompany the individual to the Office of the Dean of Student Affairs.

- If the individual is considering reporting the assault to the police, let her/him know that it is crucial that medical evidence be collected as soon as possible.

- Report the incident to the Dean of Student Affairs. Inform the individual that you must do this. If the individual wishes to remain anonymous, you can report the incident to the Dean of Student Affairs without identifying her/him.

- To protect the individual’s privacy, discuss the incident only with the Dean of Student Affairs.

VI. SECURITY
Campus security and safety will be reviewed by the Safety and Security Committee on an annual basis with the following points in mind:

- adequate security lighting in problem areas with regular monitoring and maintenance
- landscape patterns, avoiding hiding places near parking lots, and remote locations
- course scheduling avoiding scattered evening course in remote buildings
- escort services provided by campus security