

	<b>FGCU Policy 1.006</b>	<b>Responsible:</b>
	<b>Non-Discrimination, Anti-Harassment, and Sexual Misconduct</b>	Office of Institutional Equity and Compliance

## A. POLICY STATEMENT

1. Florida Gulf Coast University (FGCU or University) is committed to maintaining a respectful, fair educational and work environment, free from Discrimination or Harassment. The goal of the University is to prevent Discrimination or Harassment from occurring and to provide a means of raising and resolving Complaints promptly and effectively. The University does not Discriminate on the basis of race, color, religion, age, disability, sex, national origin, marital status, genetic predisposition, sexual orientation, gender identity/gender expression, veteran status, and any other protected class(es), including pregnancy, as required by applicable state and federal law, as well as University regulations and policies. Therefore, members of the University community have the right to file Complaints of Discrimination, Harassment, and Sexual Misconduct. Complaint investigations will be conducted in a fair, respectful, and consistent manner. The University strictly prohibits and will not tolerate Retaliation against any individual due to their participation in this process or any other Protected Activity. A claim of Retaliation shall be treated as a separate allegation of Discrimination. If the University discovers Discrimination or Harassment, the University will take affirmative steps to eliminate the Discrimination or Harassment, remedy its effects, and prevent its recurrence.
2. The informal and formal procedures set forth below are intended to afford a prompt response to charges of Discrimination, Harassment, Sexual Misconduct, Intimate Partner Violence, and Stalking. The provisions herein are also established to maintain confidentiality and fairness consistent with applicable legal requirements.

## B. REASON FOR POLICY

This Policy provides procedures whereby members of the University community, including employees, students, and third-party Vendors, may file Complaints of alleged Discrimination, Harassment, Sexual Misconduct, and Retaliation. This Policy further outlines the procedures used to investigate such Complaints pursuant to FGCU Regulation 1.003, Non-Discrimination, Anti-Harassment, and Sexual Misconduct, and in compliance with applicable federal, state, and local laws, as well as lawful orders and University regulations. Complaints of Sexual Harassment under Title IX are addressed under FGCU Regulation 1.009, Sexual Harassment Under Title IX, and its corresponding Policy.

Note: While this Policy also addresses investigations of Harassment or Discrimination, including Sexual Misconduct, which include interviews by the Chief Equity, Ethics, or Compliance Officer or their designee(s), students involved in such investigations may also be

interviewed by the Office of Student Conduct within the Division of Student Success and Enrollment Management. Additionally, FGCU Regulation 4.002, Student Code of Conduct and Student Conduct Review Process, will also be applied to students involved in allegations of violations of this Policy and its related regulation.

### **C. APPLICABILITY AND/OR ACCOUNTABILITY**

This Policy is applicable to out-of-unit faculty, staff, students, Vendors, Contractors, guests, patrons, applicants, volunteers, and other third-parties participating in any FGCU-sponsored event or program. As for in-unit faculty covered by a collective bargaining agreement, and consistent with Article 6.2 C., investigations based on allegations of Discrimination, Harassment, or Sexual Misconduct will proceed consistent with Section E.4. of this Policy. This Policy may address conduct which occurs off-campus, as well as through electronic forums, so long as the Respondent is affiliated with the University.

### **D. DEFINITION OF TERMS**

1. *Chief Equity, Ethics, and Compliance Office and Title IX Coordinator*: University employee responsible for the administration of this Policy and its corresponding regulation, which includes compliance with Title IX.
2. *Complainant(s)*: A person or persons alleging violations of FGCU Regulation 1.003, Non-Discrimination, Anti-Harassment, and Sexual Misconduct,
3. *Complaint*: Allegations of a violation(s) of FGCU Regulation 1.003, Non-Discrimination, Anti-Harassment, and Sexual Misconduct which are then addressed through the informal or formal processes in this Policy. Complaints may be made orally or in writing.
4. *Consent*: The mutual assent by words or actions to engage in a particular sexual activity that must be made voluntarily and competently by all parties.
  - a. In order for Consent to be given voluntarily, it must be free from threat, force, fraud, coercion, intimidation, extortion, and/or undue influence.
  - b. In order for Consent to be given competently, both parties must have the capacity to Consent. If one of the parties is incapacitated due to, among other things, drug or alcohol use, then that person lacks the necessary capacity, and thus the competency required to Consent.
  - c. If a person is under the statutory age of Consent, they lack the competency to Consent.
  - d. Consent is ongoing and can be revoked at any time. Consent for a prior sexual activity does not inherently give Consent for future sexual activities. If a person wishes to revoke Consent, they must communicate through words or actions that they

- no longer Consent to the sex act.
5. *Day*: Calendar Day. University holidays (i.e., Days when the University is closed) are excluded from the computation of time. If the time ends on a Saturday or Sunday, the deadline is extended to the following University business Day.
  6. *Decision Maker*: The President, Vice President, President's direct report or their designee(s) in the Respondent's chain of command, or Dean of Students, where applicable.
  7. *Discrimination*: The intentional or unintentional treatment of any member of the University community less favorably than those who are similarly situated based upon race, color, religion, age, disability, sex, national origin, marital status, genetic predisposition, sexual orientation, gender identity/gender expression, and/or veteran status.
  8. *Harassment*: Unwelcome conduct, including electronic and written communication, that is based upon race, color, religion, age, disability, sex, national origin, marital status, genetic predisposition, sexual orientation, gender identity/gender expression, and/or veteran status. Harassment is further defined as behavior so severe, pervasive, or persistent that it limits a student's ability to participate in or benefit from an educational program, undermines the responsibilities of the employee, and/or creates a hostile working or learning environment.
  9. *Human Trafficking*: transporting, soliciting, recruiting, harboring, providing, enticing, maintain, or obtaining another person for the purpose of exploitation of that person. This may be done through the use of force, fraud, or coercion, and includes for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Human Trafficking also includes sex trafficking.
  10. *Intimate Partners*: Persons who are or who have been dating, cohabitating, married, separated, or divorced, and may be of the same or opposite sex or gender.
  11. *Intimate Partner Violence*: The use of physical violence, force, threats, intimidation, isolation, Stalking, or other forms of emotional, sexual, or economic abuse directed towards an Intimate Partner. This can take the form of behavior(s) that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, forces, threatens, blames, hurts, injures, or wounds someone. Intimate Partner Violence can be a single act or a pattern of behavior in relationships.
  12. *Investigative Report*: The report created by the Investigator which includes: a summary of the Complaint; description of the investigation and factual background, review of the evidence, and findings to include whether or not the allegation(s), more likely than not, took place; and, if at issue, whether the Complaint was frivolous, knowingly false, malicious, or retaliatory. Certain information may be redacted in accordance with

applicable law.

13. *Investigator*: Chief Equity, Ethics, and Compliance Officer, or trained person designated as an Investigator by the Chief Equity, Ethics, and Compliance Officer, or the Chief Equity, Ethics, and Compliance Officer's designee, the Vice President and General Counsel, or the Vice President and General Counsel's designee. This may also include external counsel or Investigators. Investigators conduct a fact-finding inquiry (investigation) and writes an Investigative Report.
14. *Protected Activity*: Activity which is protected by federal or state law or University regulation or policy, and includes but is not limited to participation in a University investigation, the filing of a Complaint in good faith, filing a claim for worker's compensation, taking FMLA leave, or any of the federally protected activities delineated in 18 U.S.C. § 245. Additionally, Protected Activities for students could include engaging in a student Complaint process, filing a grade appeal, or other similar activities.
15. *Respondent(s)*: A person or persons whose conduct is the subject of a Complaint under FGCU Regulation 1.003, Non-Discrimination, Anti-Harassment, and Sexual Misconduct.
16. *Responsible Employee*: An employee who has the authority to take action to redress the alleged misconduct, who has the duty to report the alleged misconduct to appropriate University officials, who has responsibility for administrative leadership, teaching, or advising, or an individual who would reasonably be believed to have the authority or responsibility to redress or report the alleged misconduct.
17. *Retaliation*: When an officer, agent, employee, student, Contractor, Vendor, or other third party takes an adverse action against an individual for his or her participation in Protected Activity. This includes but is not limited to action taken against a bystander who intervened to stop or attempt to stop Discrimination, Harassment, or Sexual Misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's Complaint or participation in a Protected Activity. For purposes of this Policy as it relates to Retaliation based on a Protected Activity, examples of adverse action include: firing, denial of a promotion, lowering a grade, unjustified negative performance evaluations and reports, increased supervision or scrutiny, sudden enforcement of previously unenforced policies, exclusion from activities or privileges open to others, or any other action that would deter a reasonable person in the same circumstances from filing a Complaint or engaging in a Protected Activity.
18. *Sexual Harassment*: Unwelcome conduct of a sexual nature including unwelcome sexual attention, which includes requests for sexual favors, and other verbal or physical conduct of a sexual nature from any person that is so severe, pervasive, or persistent that it limits a student's ability to participate in or benefit from an educational program, undermines the responsibilities of the employee, or creates a hostile working or learning environment. Sexual violence is a form of Sexual Harassment.

19. *Sexual Misconduct*:

- a. An actual or attempted act of rape, sexual assault, sexual battery, sexual exploitation, and other forms of non-consensual sexual activity.
- b. Sexual exploitation is an act that exploits someone sexually. Examples of sexual exploitation include, but are not limited to:
  - 1) Exposing one's own or another person's intimate parts without Consent;
  - 2) Recording video or audio, photographing, or transmitting intimate or sexual utterances, sounds, or images without Consent of all parties involved;
  - 3) Allowing others to view sexual acts (whether in person or via a video camera or other recording device) without the Consent of all parties involved; or
  - 4) Engaging in any form of voyeurism.

20. *Stalking*: The repeated following, harassing, threatening, or intimidating of another by any action, including but not limited to use of telephone, mail, electronic communication, social media, or any other device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.

21. *Supportive Measures*: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome and designed to ensure equal educational access, protect safety, or deter a violation of this Policy. Supportive Measures may include but are not limited to access to counseling services or other campus services; rescheduling of exams or assignments for conflicts directly related to the alleged Complaint; modifications of work or class schedules; providing alternative course completion options that do not fundamentally alter the course; change in class schedule including the ability to drop a course without penalty or to transfer sections; restrictions on contact between the parties, and changes in work or housing locations.

22. *Title IX Coordinator*: The University employee responsible for administering a Title IX related centralized Complaint filing process which includes investigating Complaints of gender inequity and/or Sexual Misconduct as defined in FGCU Regulation 1.003, Non-Discrimination, Anti-Harassment, and Sexual Misconduct, analyzing trends, and monitoring overall compliance with this Policy as it relates to Title IX compliance and related federal, state, or local legislation and regulations. The Chief Equity, Ethics, and Compliance Officer also serves as the Title IX Coordinator. The definition also encompasses a Deputy Title IX Coordinator.

23. *Vendor or Contractor*: Individual or business entity in a contractual relationship with the University, but not an employee.

## **E. SUPPORTIVE MEASURES**

1. The Chief Equity, Ethics, and Compliance Officer, or their designee(s), will coordinate Supportive Measures to ensure equal opportunity, protect safety, or deter any of the prohibited behaviors in this Policy. Individuals requesting Supportive Measures should contact the Office of Institutional Equity & Compliance (OIEC) to discuss what they may require assistance with.
2. Supportive Measures will be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the University to provide the Supportive Measures.
3. Individuals may receive Supportive Measures with or without filing a Complaint or engaging in the informal or formal process outlined in this Policy.
4. Individuals requesting reasonable accommodations for a disability should engage in the process outlined in FGCU Policy 1.008, Disability Access and Reasonable Accommodation.
5. Individuals requiring assistance for pregnancy or pregnancy-related conditions should contact the OIEC to discuss potential accommodations. The University will reasonably accommodate individuals for pregnancy and pregnancy-related conditions, so long as it does not create an undue burden for the University or fundamentally alter a University program or activity. Individuals requesting accommodations for pregnancy or pregnancy-related conditions may be asked to provide medical documentation to support their requested accommodation.

## **F. PROCEDURES**

1. Reports of an Alleged Policy Violations and Supportive Measures
  - a. All Responsible Employees are required to report information they have about any alleged violations of this Policy involving Students to the OIEC. Responsible Employees should not attempt to investigate or evaluate the information prior to reporting to the OIEC. Additionally, Responsible Employees should provide the students with the contact information for the OIEC.
  - b. All Supervisors and Managers are required to report all information they receive about alleged violations of this Policy to the OIEC. This includes information they receive about alleged violation(s) by or about employees who are not in their direct or indirect supervisory lines.
  - c. Employees who are statutorily prohibited from reporting information which may be violative of this Policy, such as, but not limited to, employees in Student Health Services (SHS), the Community Counseling Center (CCC), or Counseling and

- Psychological Services (CAPS), are excluded. Additionally, the Victim Advocate for Students is excluded from required reporting to the OIEC. However, if these excluded Employees were to learn of information which could be violative of this Policy outside of the scope of their protected roles, they are required to report that to the OIEC (i.e. if a manager in CAPS or SHS learns of an allegation of Discrimination, Harassment, or sexual misconduct involving employees that falls outside of the scope of their protected role, they would be required to report that to the OIEC).
- d. Employees who may hold privileged or protected roles outside of the University as an outside activity are not exempt from reporting alleged violations of this Policy to the OIEC.
  - e. Upon receiving a report of an alleged violation of this Policy, the Chief Equity, Ethics, and Compliance Officer or designee will contact the Complainant to inform them of the availability of Supportive Measures and review the process for filing a Complaint under this Policy.

## 2. Filing a Complaint

- a. An individual alleging an action covered under this Policy may file a Complaint with the Chief Equity, Ethics, and Compliance Officer or designee by informing them of the alleged wrongdoing. Generally, allegations should be raised within ninety (90) Days of the last act of alleged Discrimination or Harassment, or within ninety (90) Days from becoming aware of the alleged act. The Chief Equity, Ethics, and Compliance Officer, or designee, may choose to extend the timeframe for a Complaint to be made for various circumstances, including but not limited to allegations of Sexual Harassment and/or sexual misconduct.
- b. Complaints may be filed with the OIEC in person, by mail, by telephone, by electronic mail, through the FGCU EthicsPoint hotline, or by any other means that results in the OIEC receiving a person's verbal or written Complaint. Complaints may be made at any time including during non-business hours.
- c. Complaints which allege a violation FGCU Policy 1.015, Sexual Harassment Under Title IX, will be addressed through the procedures listed in that Policy.
- d. A Complaint may also be initiated by referral from the Division of Student Success and Enrollment Management, University Police, Human Resources, any other Responsible Employee, or any supervisor or manager.
- e. The absence of a written Complaint does not negate initiation of an investigation.
- f. The Chief Equity, Ethics, and Compliance Officer may, at their discretion, consolidate Complaints arising from a similar set of facts and circumstances.

- g. If the OIEC becomes aware of activity which could be violative of this Policy, it may, at its discretion, choose to evaluate the available information, even when a Complaint, whether written or verbal, has not been submitted. This may include a formal investigation, even if a Complainant has not come forward.
- h. Any written correspondence will be provided to the Complainant and Respondent via their University email addresses. Parties are expected to regularly check their University email. Failure to check their email does not warrant an extension or delay in a process. Notwithstanding, the parties may also utilize additional methods of communication, including electronic communication.
- i. At any time throughout the process, the Chief Equity, Ethics, and Compliance Officer may grant the Complainant, Respondent, Investigator, or Decision Maker an extension as is reasonably necessary, and will communicate any extensions in writing to the parties. This provision is not intended to conflict with FGCU Regulation 4.002, Student Code of Conduct and Student Conduct Review Process.

### 3. Informal Procedure

- a. Informal resolution of a Complaint may be sought when the parties desire to resolve the situation cooperatively.
- b. Informal resolutions are voluntary, mutually agreed upon and non-punitive in nature. Examples of informal resolution agreements are no-contact orders, agreements to not visit the other parties' residence, expectations for decorum and appropriate behavior when interacting in the workplace, or other similar agreements.
- c. Before pursuing the formal procedure, a Complainant may seek informal resolution through the OIEC by making a written request for informal resolution to the Complaint.
- d. If the Complainant has utilized the informal procedure but the matter has not been informally resolved within a reasonable amount of time of its request to the OIEC, the Complainant must communicate to the OIEC whether or not they wish to proceed with the formal procedure.
- e. Failure to communicate with the OIEC may result in no further action by the University and the closure of the informal resolution request. However, if circumstances warrant investigation into the matter, the OIEC may proceed with an investigation.
- f. If a Complainant believes that a Complaint cannot be resolved utilizing alternative dispute resolution, a Complainant may forego the informal procedure and go directly to the formal procedure.

- g. If a Complaint is informally resolved, the same Complaint is considered resolved and may not be formally investigated. However, if an informal resolution is violated, that violation may be investigated. The Investigator may use the information and evidence provided during the informal resolution process as part of the investigation.

#### 4. Formal Procedure

- a. After the Complainant notifies the OIEC that they wish to proceed to the formal procedure, the Complainant should submit a Complaint to the OIEC which will initiate an investigation.
- b. 1) The formal procedure cannot be utilized when a Complainant fails to make allegations which constitute a violation of FGCU Regulation 1.003, Non-Discrimination, Anti-Harassment, and Sexual Misconduct. When a Complainant fails to allege sufficient facts to indicate a violation may have occurred, such Complaint shall be dismissed in writing by the OIEC and the dismissal shall be sent to the Complainant via University email. A dismissal for failure to allege sufficient facts to substantiate a violation of FGCU Regulation 1.003, Non-Discrimination, Anti-Harassment, and Sexual Misconduct, is the final University decision, unless additional facts are submitted sufficient to indicate a violation may have occurred.  
  
2) Complaints which are dismissed under this Policy may be referred to the appropriate University office or Decision Maker for evaluation under other University Policies.

#### 5. Investigation and Investigative Report

- a. The Chief Equity, Ethics, and Compliance Officer or the Vice President and General Counsel investigates, or assigns a trained Investigator to initiate an investigation.
- b. An Investigator will complete the investigation as promptly as possible, but no later than sixty (60) Days from the date of receipt of the Complaint unless there are extenuating circumstances. In such a case, notice, along with reasons for the extension, shall be provided to the parties with the amount of time the investigation shall be extended.
- c. As appropriate, the Investigator may coordinate their investigation with the appropriate University departments involved to ensure the parties are interviewed in a collaborative manner.
- d. In the event that a Complaint of Discrimination or Harassment is filed against the OIEC, an investigation will be conducted by an Investigator external to the University.

- e. When an external third party is the named Respondent, the Investigator shall consult with the appropriate University department concerning the investigation. In such cases, the Decision Maker shall be the President, appropriate Vice President, or designee.
- f.
  - 1) Upon receiving a Complaint under this Policy from the Complainant, the Investigator assigned to address the allegations notifies the Respondent that a Complaint has been filed against them and informs them of the nature of the Complaint. The Investigator shall explain to both the Complainant and the Respondent the informal and formal procedures, including a description of the process, the relevant avenues of redress, and provide them with a copy of this Policy.
  - 2) The Investigator shall confer with the appropriate University officials to ensure that, if warranted, interim measures are pursued to protect both parties and the campus community pending completion of the matter. Interim measures may be one sided and can include interim suspension, administrative leave, restrictions from campus, or other similar measures.
- g. The Respondent will be afforded an opportunity to provide a response to the allegations. Moreover, both parties will have the opportunity to present relevant fact witnesses and both inculpatory and exculpatory evidence, either implying connection or absence of connection to incident, for consideration. The Investigator also may identify witnesses or evidence they deem relevant.
- h. All persons involved with the investigation are cautioned that Retaliation is strictly prohibited. While the University does not prohibit any person involved in the investigation from discussing the reported conduct under investigation or from gathering and presenting evidence, if such actions interfere with or impede the investigation, that behavior may also be investigated. Investigations encompass, but are not limited to, witness interviews, the gathering of documentation and other evidence, as well as other investigative techniques deemed appropriate by the Investigator. All members of the University community are expected to cooperate with an investigation. Failure to do so could result in disciplinary action. This provision is not intended to conflict with any provision of Title IX or other applicable federal and state law(s).
- i. Any person interviewed by an Investigator as part of an investigation will be permitted to be accompanied by an advisor of their choice, who may be, but is not required to be, an attorney, a union representative, or other support person, if so desired. However, such person's role shall be limited to observation, support, or advice; such support person shall not represent or speak on behalf of the person to whom they are providing support or advice. Advisors are expected to conduct themselves with appropriate decorum, respect the privacy of the parties and witnesses, and avoid delaying, disrupting, or otherwise interfering with the

investigation. If an employee is asked to serve as an advisor and they have a conflict of interest with the Complaint, they are expected to recuse themselves. For example, employees who have a supervisory role over anyone related to a Complaint may not serve as an Advisor for that investigation as it would create a conflict of interest. Additionally, Advisors may not serve as Witnesses or any other role in the investigation.

- j. The totality of the available information will be evaluated under the preponderance of the evidence standard to determine if, more likely than not, there is sufficient evidence to support a conclusion that the allegation(s) occurred.
  - k. The Investigator shall write an Investigative Report. A summary of the Investigative Report, including the general basis for the Complaint and the determination, shall be provided to the Complainant and the Respondent. The investigative findings shall be sent to the parties' University email address, and if appropriate may be sent to the appropriate decision makers while the request for reconsideration process is ongoing.
6. Request for Reconsideration
- a. The Complainant and Respondent may request reconsideration of the findings made by the Investigator within seven (7) Days of receiving the investigative findings. A request for reconsideration of the findings can be made to the Office of the General Counsel. The General Counsel or designee may grant extensions to either party for a reconsideration request.
  - b. The reconsideration request must be based on one of the following:
    - 1) There is new evidence that was not available at the time of the investigation that should be considered; or
    - 2) The Investigator did not consider all information that was available during the investigation (e.g. did not interview a key witness, did not consider applicable documentation, etc.).
  - c. Absent extenuating circumstances, within seven (7) Days of receipt of a request for reconsideration, the General Counsel, or designee, will make one of the following determinations:
    - 1) The investigation should be remanded to the Investigator for further consideration of the evidence; or
    - 2) The requestor has not presented information that warrants a review of the investigative findings and thus the investigative findings are final.
  - d. The determination as to the request for reconsideration is not a substantive review of

the investigation; rather, the reconsideration process is in place to ensure that each party to the investigation is provided full due process.

## 7. Determination and Disciplinary Action

- a. Once the Investigative Report has been completed and the Request for Reconsideration process has been exhausted, a copy of the Investigative Report will be provided to the appropriate Decision Maker(s) for a determination as to what, if any, disciplinary action will be imposed.
- b. The Decision Maker will inform the Employee or student and implement disciplinary action as soon as reasonably practicable, when in their judgment it is appropriate. Moreover, the Decision Maker will attempt to take whatever steps are within their control to prevent the recurrence of the offending behavior and to correct its discriminatory effects on the Complainant and others in the University community, if appropriate.
  - 1) If appropriate, the Complainant may be informed of the disciplinary action to be imposed.
  - 2) Any discipline to be imposed shall be determined in accordance with FGCU Regulation 4.002, Student Code of Conduct and Student Conduct Review Process, where the Respondent is a student; FGCU Regulation 5.016, Disciplinary Actions, and related policies where the Respondent is an employee; and a collective bargaining agreement where the Respondent is an in-unit employee.

## G. MISCELLANEOUS PROVISIONS

1. After an incident of Sexual Misconduct, Intimate Partner Violence, or Stalking, the individual should consider seeking medical attention and law enforcement assistance as soon as possible. In circumstances of sexual assault, health care providers can treat injuries and take steps to address concerns of pregnancy or sexually transmitted disease. Although the University strongly encourages all members of its community to report such violations of this Policy to law enforcement, it is the affected individual's choice whether or not to make such a report.
2. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse through the use of a protective order related to the incident, more difficult. If an individual suffering from an incident covered by this Policy chooses not to make a Complaint regarding the incident, he or she nevertheless should consider speaking with the University Police Department or other law enforcement agencies to preserve evidence in the event the individual reconsiders the decision not to make a Complaint.
3. Regardless of whether criminal charges are filed, allegations under this Policy may also

be heard through FGCU Regulation 4.002, Student Code of Conduct and Student Conduct Review Process, where a student is the Respondent.

4. The Chief Equity, Ethics, and Compliance Officer is the custodian of filed records associated with the investigation of Complaints under FGCU Regulation 1.003, Non-Discrimination, Anti-Harassment, and Sexual Misconduct.
5. The University may utilize the procedure articulated in this Policy to address investigations in general. If this process is used for an investigation involving something other than Discrimination, Harassment, or Sexual Misconduct, the processes may be modified, to some extent, on a case by case basis. Additionally, the time frames for actions may be modified and extended as warranted.

## H. RESOURCES

1. The University will provide resources to support persons who have made allegations of Sexual Assault, Intimate Partner Violence, or Stalking. Regardless of whether a person who reports such allegations elects to pursue a criminal Complaint, the University will assist persons alleging Sexual Misconduct, Intimate Partner Violence, and Stalking. To the extent cooperation and Consent are provided, University offices, including the University Police Department (UPD), Counseling and Psychological Services (CAPS), the Student Health Services (SHS), and Student Care Services will work cooperatively to ensure that the Complainant's health, physical safety, academic status, and employment status are protected, pending the outcome of a formal University investigation of the allegations. For example, if reasonably available and as applicable, a Complainant may be offered changes to their work environment, academic schedule, or University-provided housing, in addition to counseling, health services, and assistance in notifying appropriate local law enforcement.
2.
  - a. If requested, within CAPS and SHS, resources are available to provide support to students. Additionally, Student Care Services can coordinate assistance and support related to a student's physical and mental health, personal safety, and academic status. For its employees, the University offers assistance through the Employee Assistance Program. Also, protection from abuse through the use of protective orders may be available through the court system.
  - b. The Office of Student Conduct offers assistance in navigating the conduct process to accused and/or charged Students.
  - c. Other resources available related to Sexual Misconduct, Intimate Partner Violence, or Stalking include:
    - 1) Abuse, Counseling and Treatment of Fort Myers: <http://www.actabuse.com/>
    - 2) Assault and Rape Information, Support and Education (ARISE): <http://www.fgcu.edu/arise/>

- 3) Congreso (multiservice organization focused on Latino Communities): <http://www.congreso.net/>
- 4) Department of Justice: <http://www.justice.gov/ovw/sexual-assault>
- 5) Florida Coalition Against Domestic Violence: <http://www.fcadv.org/>
- 6) Florida Counsel Against Sexual Violence: <http://www.fcasv.org/>
- 7) Project Help of Naples: <http://projecthelpnaples.org/>
- 8) The Shelter for Abused Women & Children: <https://naplesshelter.org/>

#### *Related Information*

*FGCU Regulation 1.003, Non-Discrimination, Anti-Harassment, and Sexual Misconduct*  
*FGCU Regulation 4.002, Student Code of Conduct and Student Conduct Review Process*  
*FGCU Regulation 5.016, Disciplinary Actions*  
*FGCU Regulation 5.020, Grievance Regulation*  
*FGCU Policy 1.007, Consensual Relationship Policy and Procedure*

#### *Specific Authority*

*29 USC §701 et. seq.*  
*42 USC §1681 et. seq.*  
*42 USC § 2000d*  
*42 USC §§ 2000e-17 et. seq.*  
*Section 760.01 et. seq., Florida Statutes*  
*BOG Regulation 1.001, University Board of Trustees Powers and Duties*  
*BOG Regulation 2.003, Equity and Access*

#### *History*

*New 1/20/09; Amended 02/12/10; Amended 01/27/15; Amended 07/28/15; Amended 12/19/16; Amended 06/30/23*

## **APPROVED**

\*s/Michael V. Martin  
Michael V. Martin, President

June 30, 2023  
Date