Frequently Asked Questions about Sex Discrimination, Sexual Misconduct, Sexual Harassment, and Sexual Violence

1. What University Policies prohibit sex discrimination, sexual misconduct, sexual harassment, and sexual violence?

   - The University's [Title IX Statement](#) outlines FSU's obligations under Title IX of the Education Amendments of 1972 to eliminate and prevent sex discrimination, sexual harassment, and sexual violence. The statement also identifies the University's Title IX Coordinators;
   - The University's [Non-Discrimination Policy](#) prohibits “sex discrimination,” adverse treatment or the creation of a hostile environment based on a person's sex. Sexual harassment, sexual misconduct, and sexual violence are all prohibited forms of sex discrimination. This policy also provides complaint procedures for sexual misconduct complaints;
   - The University's [Sexual Harassment Policy](#) gives more detailed guidance about the University’s prohibition against sexual harassment, including clarifying that sexual misconduct and sexual violence are prohibited forms of sexual harassment; and
   - The University’s [Sexual Battery Policy](#) gives specific guidance to support victims of sexual violence, to apprehend perpetrators, and to outline special reporting obligations for employees with knowledge of this crime.

2. What is Title IX?

   Title IX of the Education Amendments of 1972 is a federal law that protects people from all forms of sex discrimination in education programs and activities receiving federal funding (including federal financial aid). Title IX states:

   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.

   Sex discrimination includes sexual harassment, sexual violence (like rape, sexual battery, sexual assault), and other forms of sexual misconduct. All of these forms of misconduct are prohibited by Title IX. At FSU, the University’s [Title IX Coordinators](#) are responsible for ensuring Title IX Compliance. [The Office for Civil Rights in the Department of Education](#) is the federal agency responsible for enforcing Title IX.

3. Who are FSU’s Title IX Coordinators?

   **Faculty, Staff, & Visitors:**
   - Renisha L. Gibbs, Co-Coordinator
   - Assistant Vice President of Human Resources & Finance and Administration Chief of Staff
   - A6200 University Center, Tallahassee, FL 32306-2410
   - rgibbs@admin.fsu.edu
   - (850) 644-8082

   **Students:**
   - Jennifer Broomfield, Title IX Director
   - 212 Westcott Building
   - Tallahassee, FL 32306-1310
   - jbroomfield@fsu.edu
   - 850-644-6271

   **Athletics:**
   - Vanessa Fuchs, Deputy Coordinator
   - Sr. Assoc Athletics Director, Athletics Admin
   - D4200 University Center, Tallahassee, FL 32306-2343
   - vfuchs@admin.fsu.edu
   - (850) 644-4933
4. Are sex discrimination, sexual harassment, and sexual violence illegal?

Yes. Sex discrimination, including sexual harassment and sexual violence, violates federal and state laws. Title VII of the Civil Rights Act of 1964 prohibits sex discrimination in employment. The Equal Employment Opportunity Commission (EEOC) is a federal agency that enforces this law. The Florida Civil Rights Act of 1992 is the Florida state law that prohibits sex discrimination in employment. The Florida Commission on Human Relations (FCHR) is the state enforcement agency for the Act.

Title IX of the Education Amendments Act of 1972 (Title IX) prohibits discrimination on the basis of sex in any educational programs and activities. This includes a prohibition against sexual harassment and sexual violence. Students and employees are covered by Title IX. The Office of Civil Rights in the Department of Education is the federal agency that enforces Title IX.

At FSU, the Dean of Students Department and the Human Resources’ Office of Equal Opportunity and Compliance enforce these laws through university investigations of sexual misconduct.

5. What is sexual harassment?

Sexual harassment is a form of sex discrimination. Sexual harassment is behavior that is sexual in nature (or gender based); unwelcome; and either:

   a) creates an intimidating, hostile, or offensive work environment;
   b) denies, interferes with, or limits a student’s ability to participate in or benefit from educational opportunities; or
   c) submission to or rejection of the sexual conduct is used as the basis for an academic or employment decision.

Sexual violence (including rape, acquaintance rape, sexual battery, sexual assault, domestic violence, dating violence, and sexually motivated stalking) is an extreme form of sexual harassment. Sexual misconduct is also prohibited under the University’s Sexual Harassment Policy.

6. What are some examples of sexual harassment?

Examples of sexually harassing behavior include (but are not limited to):

- Threatening or implying that employment or academic progress may be negatively affected by rejecting a sexual advance or refusing to tolerate sexual behavior. For example, a supervisor suggesting to an employee that she will lose her job if she does not sleep with him.

- Offering or implying employment-related rewards (hiring, promotion, pay raise, etc.) or academic-related rewards (good grades, letters of recommendation, assistance in obtaining employment, grants, fellowships, admission to any educational program or activity, etc.) in exchange for submission to sexual advances or conduct.

- Non-Verbal Sexual Conduct: Staring at someone’s sexual body parts (buttocks, breasts, or groin) performing obscene gestures, touching oneself sexually in front of others, or making sexual sounds (such as whistling, cat calls, etc.).

- Uninvited, non-consensual sexual touching (such as patting, pinching stroking, tickling, kissing, hugging, or brushing against someone in a sexual manner).

- Continuing unwelcome sexual advances (such as flirting, requests for dates, or requests for sexual activity).

- Inappropriate display of sexual graffiti, posters, pictures, cartoons, drawings, emails, texts, or objects.

- Spreading sexual rumors or rating co-workers/students based on sexual activity, sexual performance, or sexual attractiveness.

- Making sexual comments about appearance, clothing, or body parts.

- Intrusive sexually explicit questions, sexual teasing, or sexual innuendos.
7. What is sexual misconduct?

Sexual misconduct is an umbrella term that includes all forms of non-consensual sexual activity (like sexual violence) or unwelcome sexual conduct (like sexual harassment). Sexual Misconduct includes a broad range of sexually inappropriate behaviors including, but not limited to: any sexual act that occurs without the consent of the victim or when the victim is unable to give consent; obscene or indecent behavior such as exposing one’s sex organs without consent, recording sexual activity without consent (even if the sexual activity itself was consensual), or sharing such recordings without consent. Sexual Misconduct is prohibited by the University's Sexual Harassment Policy and the Student Conduct Code.

8. What are rape, sexual battery, and sexual assault?

Rape, sexual battery, and sexual assault are all defined under Florida law as the oral, anal, or vaginal penetration by, or union with (touching), the sexual organ of another or the anal or vaginal penetration of another by any other object, without consent.

9. What exactly does “consent” to sex mean?

Consent to sexual activity means intelligent, knowing, and voluntary consent. It does not include submission to sexual activity that is the result of coercion or threats. Consent to one type of sexual activity does not imply consent to other types of sexual contact. Consent can be withdrawn at any time, including in the middle of a sexual encounter. Individuals who are significantly impaired by drugs (illegal or prescription) or alcohol; asleep; unconscious; mentally impaired by disease or illness; or under 18 years old cannot give consent to sex (no matter what they say or do).

10. Are women the only victims of sexual harassment and sexual violence?

No. The University's Sexual Harassment Policy and the law protect everyone against sexual harassment. Men and women can be harassed. People of the same sex can harass each other. The same is true for sexual violence. Faculty, staff, students, and visitors can all be victims or harassers.

11. Can sexual misconduct be committed by a person who is the same sex as the victim?

Yes. Men can harass men, women can harass women, and people of different sexes can harass each other. If the conduct is sexual misconduct, the sex of the harasser and victim is irrelevant. The University’s obligation to respond is the same whether the sexual misconduct occurs between individuals of the same or different sexes.

All members of the campus community are protected against sexual misconduct, whether they are transgender, male, female, gender queer, gay, straight, lesbian, bisexual, pansexual, or asexual. Furthermore, Title IX and the University’s Non-Discrimination Policy extend to claims of discrimination based on gender identity and gender expression (failure to conform to stereotypical notions of masculinity or femininity).

12. Does sexual conduct have to be unwelcome to be sexual harassment?

Yes. Failure to verbally object to the behavior does not mean that it was welcome. Conduct is considered unwelcome if the individual did not request or invite the conduct and considered it undesirable or offensive. It is in your best interest to inform a harasser directly that the conduct is unwelcome and must stop, but you are never required to confront a harasser in order to make a complaint. Conversely, make sure that sexual behavior/comments are welcome before proceeding. If you have any doubt about whether your behavior is welcome, refrain from sexual comments or behavior.
13. When does sexual conduct create a “hostile environment”? 

When unwelcome sexual conduct is serious enough that it limits the ability of an individual to get their work done, to learn effectively, or to participate in a school activity it has created a hostile or offensive environment. Several factors are considered in determining whether unwelcome sexual conduct was severe, widespread, or frequent enough to create a hostile environment including (but not limited to):

- The identity, age, and relationship between the harasser(s) and the victim(s);
- The severity, frequency, type (physical, verbal, or both), and duration of the conduct;
- The context in which the conduct occurred;
- The degree of negative impact the conduct had on the victim’s education or work; and
- The number of individuals engaging in the harassing conduct.

However, sexual conduct does not have to be repeated to create a hostile environment. If an incident is sufficiently severe (for example a single attempted or completed sexual assault) one, isolated incident can create a hostile environment.

To create a hostile environment, the unwelcome sexual conduct must be both subjectively and objectively offensive. This means that the victim must have been offended by the harasser’s conduct (subjective portion) and that a reasonable person in the victim’s position would have been offended by the conduct (objective portion). Be aware that sexual harassment is evaluated from the perspective of the victim, not the intent of the harasser. The fact that a comment was intended as a joke is not a valid defense to sexual harassment allegations.

14. I’m being exposed to sexual conduct that is making me uncomfortable; do I have to wait until it is bad enough to be a “hostile environment” to complain? 

No. The University wants you to have a productive work and learning environment. If you are being exposed to conduct you consider offensive, you are encouraged to report the offensive conduct to your supervisor or any of the individuals identified in this FAQ. Even if conduct does not rise to the level of violating the University’s Sexual Harassment Policy, there are many steps that can be taken to eliminate unprofessional, inappropriate, or offensive behavior.

15. If a co-worker, supervisor, or faculty member comments on my clothing or appearance, is that automatically sexual harassment? 

It depends on the nature and context of the comment. Telling an employee or student to dress more professionally is not sexual harassment. A supervisor or faculty member telling an employee or student to wear more revealing, sexy clothes, however, could be seen as sexual harassment. An innocuous compliment, such as “you look nice in that sweater” would not be harassment; but if it were followed up with a sexual reference (“it really shows off your body”), that type of behavior would be inappropriate in a professional or academic setting.

16. What if the sexual misconduct takes place off campus? Do the University's policies protect me? 

The University’s policies extend to any work or school program or activities. This includes activities that take place on campus and at off campus locations, such as FSU-sponsored trips, training programs, school events held at off campus locations, study abroad programs, business trips, and University sponsored parties.

If sexual violence occurs off campus, the University can provide survivors with information about medical, mental health, victim advocacy, legal assistance, and other services available on campus and off campus. Also, if the effects of sexual misconduct that initially occurred off campus are interfering with the work or educational environment on campus, the University will offer support and assistance. For example, if a student is sexually assaulted by another student off campus and is later taunted by the perpetrator on campus, the University will take the earlier sexual assault into account when determining if the perpetrator’s on campus behavior is creating a hostile environment. The University will take appropriate steps to protect the student who was assaulted from further sexual harassment or
retaliation by the perpetrator. The FSU Police Department will also enforce valid court issued orders of protection (restraining orders).

17. **What are FSU’s obligations under Title IX to respond to reports of sexual misconduct?**

When a university knows (or reasonably should know) about sexual misconduct that could create a hostile environment, Title IX requires the school to perform a prompt, thorough, and impartial investigation to determine what occurred and take appropriate steps to resolve the situation. The university must take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. Universities have an independent duty to investigate even if there is also an ongoing law enforcement investigation of the situation. The school is not permitted to wait for the conclusion of a criminal investigation or proceeding before beginning its own Title IX investigation (although it may temporarily delay parts of its own investigation to avoid interfering with the criminal process).

18. **What are the penalties for sexual misconduct at FSU?**

Disciplinary action will vary based on the severity of the conduct, but it can include expulsion from University programs, termination from University employment, or exclusion from campus via a no trespass order. Also, the University may take interim measures to protect individuals from possible harassment while a complaint is being reviewed and investigated. These interim measures could include no contact orders between the individuals involved, re-assigning work locations or residence hall assignments, alterations to class or work schedules, transportation, etc. A victim may request interim measures when making a complaint to the **Dean of Students Department** or the **Office of Equal Opportunity and Compliance**. Where appropriate, these interim measures may be continued after a determination on the complaint is made.

19. **Is it sexual harassment if I ask a co-worker, classmate, or student out for a date?**

It depends on how you ask. A single polite request for a date with a peer is not sexual harassment. In a professional setting it is best to follow a “one strike and you're out” rule. If you ask a co-worker for a date, and the co-worker lets you know that he or she is not interested, don’t ask again. Repeated requests for a date may constitute sexual harassment if they rise to the level of creating a hostile work/educational environment.

Additionally, your school or department may view dating or sexual relationships between certain individuals as inappropriate or professional misconduct (e.g. supervisor-employee, faculty-current student, or coach-athlete). The University strongly discourages dating between supervisors and their subordinates. Consensual romantic/sexual relationships between faculty members and students under their direct supervisory or evaluative authority create a conflict of interest. Under the terms of **Article 19 of the BOT/UFF Collective Bargaining Agreement**, these relationships must be reported to the faculty member’s supervisor immediately so the conflict can be removed.

If a supervisor suggests that there will be negative work-related consequences (or professional benefits) from refusing (or agreeing) to date him or her, that would be sexual harassment. To ensure compliance with University and departmental policy, faculty and staff are advised to consult with a supervisor or department head before starting a romantic relationship with any individual over whom they have any form of institutional authority (including academic advising, voting on tenure, or any managerial role).

20. **Is all physical contact in the work or educational setting sexual harassment?**

No. Legitimate, nonsexual touching under reasonable circumstances is not considered sexual harassment. For example, if a gymnastics coach touches a student to spot him during a difficult acrobatic move, if one co-worker accidentally bumps another co-worker when getting on the elevator, or if co-workers spontaneously hug or “high-five” to celebrate successful completion of a project these interactions would not be considered sexual harassment. However, if the physical contact takes on sexual connotations or occurs under inappropriate circumstances and is unwelcome, it could be considered harassing.
21. What are my obligations if an incident of sexual misconduct is reported to me?

Anyone who experiences, witnesses, or learns of sexual misconduct is strongly encouraged to report the situation to the University. The person reporting does not have to be the target.

If you are a faculty or staff member and you become aware that a student has been a victim, or if you are a supervisor and become aware that an individual under your supervision has been a victim, you must report the incident to:

- The Office of Equal Opportunity and Compliance (850-645-6519) if the harasser is faculty, staff, visitor, or a contractor; or
- The Dean of Students Department (850-644-2428) if the harasser is a student (even if the victim asks you not to tell anyone).

A supervisor’s or employee’s failure to report in the circumstances described above can lead to disciplinary action for failure to report. When in doubt, err on the side of reporting any incident of sexually inappropriate conduct. Incidents of rape must also be reported to law enforcement, pursuant to the University’s Sexual Battery Policy.

22. Who is considered a “supervisor” and must report sexual misconduct incidents?

The term supervisor is construed broadly. It includes, but is not limited to: residence hall coordinators, graduate research assistants, teaching assistants, lab technicians, principal investigators, athletic coaches, academic advisors, and faculty when interacting in a faculty-student interaction. When in doubt—report.

23. How do I make a sexual misconduct complaint to the University?

You can make a complaint by submitting a completed Discrimination, Harassment, and/or Retaliation Complaint Form to the Office of Equal Opportunity and Compliance or by bringing the matter to the attention of any of the following (verbally or in writing):

- The Office of Equal Opportunity & Compliance;
- The Office of Faculty Development & Advancement;
- The Dean of Students Department;
- The Center for Leadership & Social Change;
- The Office of Human Resources;
- A student’s school or college dean;
- An employee’s immediate or higher level supervisors;
- The University’s Title IX Co-Coordinators: Renisha Gibbs (850)-644-8082 and Brandon Bowden (850) 644-5590; or
- EthicsPoint, the University's anonymous reporting hotline; toll-free (855) 231-7511.

Regardless of to whom the complaint is made, the Dean of Students Department handles complaints against students, while the Office of Equal Opportunity and Compliance is responsible for investigating complaints against anyone else (faculty, staff, contractors, or visitors). To learn more about investigative procedures, see the complaint procedures within FSU’s Non-Discrimination Policy or call the EOC at 850-645-6519. Complaints involving sexual harassment allegations against a student will be resolved by the Dean of Students Department in accordance with student conduct procedures. More information about the student conduct process can be found at http://srr.fsu.edu/.

24. Does a survivor of sexual violence have to choose between proceeding criminally and having the University respond?

No. The University encourages survivors to simultaneously pursue both a criminal investigation with the police and a University sexual misconduct complaint investigation, by reporting the situation internally (to the Office of Equal Opportunity and Compliance (850-645-6519) or the Dean of Students Department (850-
644-2428)) and externally to a law enforcement agency (FSU Police Department or another law enforcement agency). University staff members in the Victim Advocate Program are available to assist survivors in making the police report. However, a survivor is not required to file a police report in order to make a complaint to FSU. The University’s Title IX obligation to investigate complaints of sexual misconduct exists regardless of whether there is also a criminal investigation of the same incident.

25. What should I do if I feel I have been sexually harassed?

Let someone know right away. Ignoring sexual harassment does not make it go away. You have several options available if you feel that you have been sexually harassed. You may make a complaint to the University by contacting any of the offices or individuals listed in this FAQ. If you have been subjected to sexual violence (rape, acquaintance rape, sexual battery, sexual assault, domestic violence, dating violence, and sexually motivated stalking), you can make a criminal complaint by contacting the FSU Police Department or other local law enforcement agency. You can also discuss the situation and explore your options on a confidential basis by contacting a confidential counselor.

If you feel comfortable doing so, consider approaching the individual who is causing the problem and letting him or her know that the conduct is inappropriate and must stop. Sometimes, individuals are not aware that their behavior is offensive, and quickly apologize and change their behavior once they are aware that their conduct is unwelcome. However, you are not required or expected to confront your harasser prior to reporting a harassment-related concern. If you would like assistance and support in approaching someone about their harassing behavior, your supervisor, dean, department head, FSU’s Title IX Coordinators, FSU Victim Advocates, EOC staff members, and Dean of Student’s staff members can all help.

26. Will my complaint be treated confidentially?

FSU makes every reasonable effort to handle inquiries, complaints, and investigations in a manner that protects the privacy of all parties. While the University cannot promise complete anonymity in its handling of sexual misconduct complaints, each situation is resolved as discreetly as possible, with information shared only with those who need to know in order to adequately investigate and resolve the matter. Under Florida Statute §1012.91, records of sexual harassment investigations are limited-access records with respect to public records requests.

In certain circumstances, the University may be able to address your concerns and stop the behavior without revealing your identity to the alleged harasser. However, this is not always possible. Individuals accused of harassment are provided with the level of detail about the allegations necessary to allow them a fair opportunity to respond. That level of detail varies depending on the circumstances of the incident. In its investigation, the University will be sensitive to the feelings and situation of the person who reported the misconduct. Nevertheless, FSU has a compelling interest to address allegations of sexual misconduct brought to its attention. As a result, the University reserves the right to take appropriate action, even in cases when the complainant is reluctant to proceed.

As discussed in this FAQ, many university employees are required to report instances of sexual misconduct to University administrators, even if the victim asks them not to. If you want to discuss sexual misconduct issues on a completely confidential basis you should speak with counselors at the following on campus offices, who can maintain complete confidentiality:

1. The FSU Victim Advocate Program (for all crime victims)
2. University Counseling Center (for students)
3. Employee Assistance Program (for employees)

Staff members in those offices are available to help free of charge and can be seen on an emergency basis (contact information is provided below). To find a confidential counselor off campus, contact the Refuge House at 850-681-2111 or 2111 Big Bend at 211. If you aren't sure whether the person you are talking to can keep your concerns completely confidential ask them before you discuss your situation with them.

After consulting with a confidential counselor, you may decide to take no further action or to make a complaint. This decision is completely within your discretion. Because of the confidential nature of the
counselor/counselee relationship, seeking advice from a confidential counselor does not constitute reporting an incident of sexual misconduct to the University.

27. I don't want to make a complaint; can I still get help from FSU?
Yes. Even if you choose not to report sexual misconduct, you can still get medical, mental health, academic, and other forms of support from the University. Assistance could include: no contact orders between the individuals involved, re-assigning work locations or residence hall assignments, alterations to class or work schedules, transportation, providing counseling, emergency contraception, medical treatment, tutoring services, etc.

You do not have to make a police report or a formal complaint in order to get support, but you do need to let the University know what you need. An **FSU Victim Advocate** can help you with this process while maintaining your confidentiality.

28. What if I am retaliated against for complaining about sexual misconduct or participating in an investigation?
The University’s **Sexual Harassment Policy** forbids retaliation against anyone for inquiring about possible sexual misconduct, making a complaint, participating in an investigation, or assisting another in making a complaint. Retaliation is a serious violation of the University’s policies by itself and is treated as such. An individual who retaliates against someone for making a complaint or participating in an investigation has violated the University’s policy and is subject to discipline even if the University does not find that there was any sexual misconduct when it investigates the complaint. If you experience any conduct that you believe to be retaliatory you should immediately report it to your supervisor or the University office investigating your compliant.

29. Where can I get support services if I have been a victim of sexual misconduct, sexual harassment, sexual violence, or sex discrimination?
On Campus the **Office of Equal Opportunity and Compliance**, 850-645-6519, can provide overall guidance regarding campus complaint procedures and available emotional, medical, and legal support services.

- Free, confidential mental-health counseling is available through the **University Counseling Center** (for students) the **Employee Assistance Program** (for employees).
- The FSU **Victim Advocate Program** offers 24-hour, on call, confidential, support for primary and secondary victims of crime, violence, and abuse. Victim Advocate services include: crisis and emotional support, assistance in making alterations to academics, university housing arrangements, and instructor notifications; and assistance during legal proceedings (including reporting incidents and obtaining orders of protection/restraining orders) or on-campus complaint processes.
- **University Health Services** provides medical services for students.
- **FSU SafeZone** provides support and resources for lesbian, gay, bisexual, and transgender students and staff.
- The **University's Title IX Co-Coordinators** can also provide information about available support services.

Off campus, community-based resources include:

- The **Florida Council Against Sexual Violence** rape crisis hotline at 1-888-956-7273.
- The **Refuge House** Hotline 850-681-2111, which offers crisis intervention, medical and legal support, emergency shelter, and assistance in obtaining protective injunctions (restraining orders).
- **211 Big Bend** provides a 24 hour crisis helpline and referral to services in the Tallahassee area.
- The **Tallahassee Police Department** and the **Leon County Sherriff’s Office** both provide victim advocacy services.
• The Tallahassee Memorial Hospital provides emergency room services and “SAE,” sexual assault exams, for evidence collection (“rape kit”).

30. How can I learn more about Sexual Misconduct, Sexual Harassment, and Sexual Violence?
Enroll in a sexual misconduct training course through OMNI. Sexual Misconduct trainings are available live at the training center or through online training modules. If you want to arrange an on-site training for your department contact the Office of Equal Opportunity and Compliance.

31. What can I do to help prevent sexual violence?
Sexual violence remains a serious concern for all universities. Numerous university departments, organizations, and programs are proactively addressing sexual violence in the campus community, challenging misconceptions about these crimes, and working to positively change the campus culture and prevent sexual violence in the future. But FSU can’t end sexual violence on campus unless we all educate ourselves, make sure we don’t commit sexual misconduct, and intervene when we see co-workers or students in situations that are likely to lead to sexual victimization.

• For information about how you can intervene as well as the warning signs of dating violence and sexual violence click on the links below:
  o Watch Informative Video
  o Bystander Intervention Information
  o FSU Toolkit on Healthy Relationships
• For more guidance on how you can help prevent sexual violence, please read these Prevention Tips.
• To get involved on campus contact:
  o FSU Measure Up
  o Victim Advocate Program
  o M.A.R.C.

If you have questions regarding the above or to report a complaint of sexual misconduct or discrimination, contact the Office of Equal Opportunity and Compliance at (850) 645-6519 or EOC@admin.fsu.edu.