



# FLORIDA STATE UNIVERSITY

## TITLE IX STATEMENT

“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).

FSU does not discriminate on the basis of sex/gender in education programs and activities, and, as a recipient of Federal financial assistance for education activities, is required by Title IX to ensure that all of its education programs and activities do not discriminate in such a manner. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Additionally, the Florida Educational Equity Act prohibits discrimination in schools based on race, ethnicity, national origin, gender, disability, or marital status. FLA. STAT. § 1000.05 (2012). Furthermore, this commitment is reaffirmed in FSU’s [Sex Discrimination and Sexual Misconduct Policy](#), which is applicable to all faculty, staff, students, visitors, applicants, and contractors.

The University’s Title IX Director is responsible for overseeing the development of sexual misconduct policies, ensuring compliance with Title IX and relevant federal and state regulations, and investigating Title IX complaints alleging **student** sexual misconduct. The Human Resources Deputy Coordinator will oversee investigations of sexual misconduct by **employees and third parties**. The Athletics Deputy Coordinator will accept Title IX incident reports to forward to the Title IX Director, and will ensure athletics equity compliance. The FSUS Deputy Coordinator will oversee investigations of sexual misconduct by **K-12 students**. Questions regarding Title IX, as well as concerns about and complaints of non-compliance (including complaints of sexual harassment, sexual assault, sexual violence, or other sexual misconduct), should be directed to the Title IX Director or a Title IX Deputy Coordinator.

### Interim Title IX Director:

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### Title IX Deputy Coordinators:

Employees & 3<sup>rd</sup> Parties:  
Amber Wagner,  
Deputy Coordinator  
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Office of Equal Opportunity &  
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Florida State University School  
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Complaints will be addressed following the University's discrimination complaint procedures, [Equal Opportunity, Non-Discrimination, and Non-Retaliation Policy and Procedures](#) and the [Student Conduct Code](#). Some acts of sexual misconduct may also constitute violations of criminal law and require mandatory reporting to the FSU Police Department, e.g., sexual battery, indecent exposure, sexual abuse, etc. In such instances, refer to the University's Sex Discrimination and Sexual Misconduct Policy and contact the FSU Police Department at (850) 644-1234. Questions about the application of Title IX may also be directed to the Office for Civil Rights, US Department of Education.

### **Title IX Frequently Asked Questions**

For an expanded explanation of each answer, please follow the link.

#### **What is Sexual Misconduct?**

An umbrella term used to refer to a broad range of sexually inappropriate behaviors prohibited by Florida State University Policy. Sexual Misconduct includes all forms of non-consensual sexual activity and unwelcome sexual conduct including: sexual violence (rape/sexual battery/sexual assault); relationship violence (domestic violence and dating violence); stalking; sex- and gender-based discrimination (including gender identity, gender expression, and sexual orientation); sexual harassment; and other forms of sexually exploitative behavior. For definitions of sexual misconduct, please see Appendix D of the full [Policy](#).

#### **Is discrimination based on pregnancy or parental status a type of sex discrimination?**

Yes. Additionally, reasonable pregnancy and parental accommodations may be available, upon request. For information contact the [Office of Equal Opportunity and Compliance](#).

#### **Who is protected from sexual misconduct under Title IX?**

All University students, employees, and visitors are protected. This protection is regardless of gender, sexual orientation, sexual identity, race, religion, national origin, and any other protected group status. Students from elementary to graduate school are protected, regardless of full- or part-time or online status.

#### **What is Consent?**

Consent is active and ongoing, it is not passive or static! (See Appendix D of the [Policy](#) for the full definition) Consent includes:

- asking the question,
- of a capable person,  
**NOTE:** A capable person is someone who is not incapacitated. An individual can be incapacitated by drugs, alcohol, illness, or mental impairment/disability. People who are asleep or unconscious are always incapacitated.
- with adequate disclosure and,
- without coercion.
- **Consent can be withdrawn at any time.**
- Prior consent does not mean future consent.

#### **How do I get confidential support?**

You can seek confidential support from the University's [Victim Advocate Program](#), [University Counseling Center](#), [Employee Assistance Program](#), [University Health Center](#), or University affiliated pastoral counselors.

Confidential disclosure does not generate a Title IX report or criminal report, unless the disclosing party specifically requests that a report be filed. Confidential assistance is available

any time regardless of when the incident occurred. Additional resources can be found within Appendix E of the full [Policy](#).

### **How do I file a report?**

Individuals may report information on their own behalf or on behalf of another. A report may be made, verbally or in writing (including online) by bringing the matter to the attention of: Title IX Director; Deputy Title IX Coordinators; FSUPD; or any additional Responsible Employees. There is no time limit for an Affected Party to make a Title IX report, but it may be more difficult to conduct a thorough investigation after an extended period of time. See Section IX of the full [Policy](#).

### **Can I file a report online?**

Yes, via <http://report.fsu.edu> or <http://fsu.ethicspoint.com>.

### **Who MUST report sexual misconduct?**

All Responsible Employees, including but not limited to faculty, adjuncts, staff, graduate assistants, and student employees. You **must** report any student or subordinate disclosure within two business days. You are encouraged to report peer-to-peer (student-to-student or colleague-to-colleague) disclosure, but are not required to do so. When in doubt, report to the Title IX Director; privacy will be maintained within the scope of the law. See Section VIII of the full [Policy](#).

### **What do I do if a student discloses to me?**

If you are a Responsible Employee, you **must** report to the Title IX Director, Deputy Title IX Coordinators, or Title IX Investigators. If not a Responsible Employee, you should encourage the student to seek support services. See Appendix E of the full [Policy](#).

### **What if the student who discloses is a minor (or was a minor when the abuse occurred)?**

In addition to reporting to the Title IX Director or designee, any incidents of abuse of a minor must also be reported to the Florida Department of Children and Families (DCF) by every individual who is made aware of the abuse. Under Florida's Protection of Vulnerable Persons Act, **all** Florida residents must personally report any type of child abuse. For more information, please see [Protection of Vulnerable Persons Act Tips](#).

### **What is the difference between a criminal and FSU/FSUS process?**

Individuals have the right to pursue both the criminal and internal University process. They can be pursued independently or simultaneously. We encourage individuals to pursue both. The criminal process is conducted by local law enforcement and the state prosecutor's office. The criminal process can result in incarceration and the evidentiary standard is beyond a reasonable doubt. The internal University investigation is overseen by the University Title IX Director. If appropriate, the University will implement interim measures and University sanctioning; the evidentiary standard is preponderance of the evidence.

### **What happens after a report is made to the Title IX Office?**

The University will take appropriate measures to investigate, eliminate the inappropriate conduct, address its effects, and prevent reoccurrence. Whenever possible the Reporting Party's request to the Title IX Director for confidentiality will be maintained. The request for confidentiality must be made to the Title IX Director or designee. Additional information about what happens after disclosure can be found within Sections VIII-XI of the full [Policy](#).

### **What are the rights of the Reporting Parties and Responding Parties?**

The rights of both parties during the investigation and adjudication process include a fair, impartial and prompt investigation and resolution of the allegations. For more information about Reporting Party's/Responding Party's Rights, see Appendix H and I of the full [Policy](#).

### **What is retaliation?**

Retaliation is any creation of a hostile environment or adverse action threatened or taken against an individual because they:

- make a Report pursuant to this [Policy](#);
- assist another person in making a Report;
- participate in the investigation of such a Report;
- or in good faith and in a reasonable manner opposes conduct that they believe constitutes a violation of this [Policy](#).

### **What do I do if I think someone is retaliating against me?**

Report the retaliation immediately to the Title IX Director, a Deputy Title IX Coordinator, a Title IX Investigator and/or the FSUPD.

### **What could happen if I or someone I know retaliates?**

You, or they, could face a charge of retaliation in addition to any charges of sexual misconduct.

### **What is complicity?**

Complicity is any action or behavior done with the intent of aiding, facilitating, promoting or encouraging the commission of an act of Sex Discrimination or Sexual Misconduct.

### **Where can I get more information?**

- [Policy & Appendices](#)
- [Rights and Resources](#)
- [kNOw More Campaign](#)
- [FSU's Title IX Website](#)
- [Office of Equal Opportunity & Compliance](#)
- [FSU Police Department](#)
- [Victim Advocate Program](#)
- [University Counseling Center](#)
- [University Health Services](#)

It is my expectation that all members of our community are provided equitable opportunities to succeed and enrich the strength, skill, and character of the University. It is also expected that all members of our community will help create a work and educational environment that promotes fairness, respect, and trust, free from discrimination, harassment, or retaliation. Behavior that may be considered offensive, demeaning, or degrading to persons or groups will not be tolerated.



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President John Thrasher