

TITLE IX AND SEXUAL HARASSMENT

Rights, Responsibilities and Responses



Understanding Title IX

When you hear about the federal legislation known as Title IX, it's easy to think about "the law that made school sports more equitable for girls and women." Yet, there's also a lot more to it.

Sexual harassment — which includes quid pro quo and hostile environment harassment — is unlawful sex discrimination prohibited by Title IX. It also prohibits more dangerous forms of sexual harassment, such as sexual assault, dating violence, domestic violence and stalking (see page 6 for more information).

We take these violations very seriously, as we work to keep you safe. We'll respond effectively and immediately when there's trouble, and ensure a fair process for all involved. Sex discrimination has *no* place on our campus. You and your well-being are our top priority.

Our Title IX Coordinator

Here on campus, our Title IX Coordinator is available to all students and responsible for...

- Ensuring that our institution carries out its Title IX responsibilities
- Accepting any report of sex discrimination, at any time, from a complainant or someone else speaking on that person's behalf
- Giving students full information so they can make informed choices about whether or when to report incidents of sex discrimination
- Contacting complainants confidentially and promptly to discuss supportive measures that can be put in place, whether or not they file a formal complaint
- Explaining the process for filing a complaint (if a student chooses to do so)
- Acting without bias and conflicts of interest, and serving impartially

You can talk with the Title IX Coordinator or a Deputy Coordinator if you or someone you know is experiencing sexual harassment or the distress of being accused. We'll provide support and guidance, and put you in touch with necessary resources right away!

We're here to deter sex discrimination and make our campus a safer, more welcoming place to be.

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

– Title IX of the Education Amendments of 1972

Note: This brochure doesn't serve as a substitute for our institution's full policies and procedures, and is solely meant to offer an informational summary.

Notice of Non-Discrimination

We don't tolerate discrimination and here's what that means within the context of Title IX...

- Florida Tech doesn't discriminate on the basis of sex within educational programs and activities, in accordance with Title IX requirements
- Inquiries about the application of Title IX may be referred to our Title IX Coordinator or to the Department of Education's Office for Civil Rights at ocr@ed.gov or 800-421-3481
- Prohibited sex discrimination covers sexual harassment, including sexual assault, dating violence, domestic violence and stalking

Our Pledge to You

Here's what you can expect from us when it comes to handling Title IX incidents...

- We will investigate Title IX complaints brought to our attention in a prompt, fair and impartial manner
- We'll listen to both complainants and respondents
- We'll take steps to stop the act of sex discrimination, prevent its recurrence and address its effects
- We're responsible for responding to incidents that occur within Florida Tech's educational programs or activities, whether they are on- or off-campus
- We're responsible for responding to sexual harassment at buildings owned or under the control of school-sanctioned student organizations
- School officials will serve impartially without bias for or against any party
- You'll be protected from retaliation for reporting sexual harassment or participating/refusing to participate in a Title IX grievance process
- We will make referrals and provide information about campus and community resources

How Campus Title IX Investigations Differ from Law Enforcement Investigations

If our school receives a report of sexual harassment occurring in an educational program or activity, we will promptly and equitably investigate as required by Title IX to determine what occurred. We'll also take appropriate steps to resolve the situation in a fair manner.

A campus Title IX investigation is different from any law enforcement investigation.

You can tell someone on campus about a Title IX complaint and use the campus grievance process, if you choose to. You can also choose to file a police report. It's *completely* up to you.

Our Title IX Coordinator and other resource people can provide the information that you need to choose the best course of action. This will include describing our grievance procedures and the rights and opportunities available to both complainants and respondents. Please ask!

Helpful Information for Complainants

Complainant = Individual Alleged to be the Victim of Conduct That Could Constitute Sexual Harassment

Generally, Title IX complainants are empowered to make decisions regarding the remedies that they would like to pursue when they experience sexual harassment. We're here to help while *you're in control*.

Here's what you can expect...

- Your wishes and autonomy will be respected.
- You'll have your identity kept confidential as required by law, except when necessary to ensure the safety of any person or as necessary to carry out a Title IX proceeding.
- You'll be given a clear choice about whether to file a formal complaint.
- You'll be provided with a fair and impartial grievance process, if you choose it.
- You'll be protected from being coerced or threatened into participating in a grievance process.
- You won't be required to come face-to-face with the respondent during a hearing.
- You'll have the right to an advisor of your choosing who may or may not be an attorney. If you do not have an advisor, one will be appointed to assist you in the live hearing.
- You will have the right to present your own evidence and witnesses.
- You will have the opportunity to review and respond to all available evidence in advance of the hearing.
- You'll have all relevant evidence objectively evaluated.
- You'll be provided with "rape shield" protections so you're not required to face any irrelevant questions about your sexual history. There might be exceptions to this rule.
- You'll be treated equitably and provided with remedies any time a respondent is found responsible.
- You'll be told what the stated standard of evidence being used is.
- You'll receive a written decision and rationale from Florida Tech once the grievance process is completed.
- You'll have an equal right to appeal and will receive information about our appeal procedures.

Supportive Measures

As a complainant, you'll be contacted confidentially by the Title IX Coordinator and offered **supportive measures** to restore or preserve equal access to education, protect your safety and deter further sexual harassment. These individualized services are those reasonably available that are non-punitive, non-disciplinary and not unreasonably burdensome to the other party. Your wishes will always be considered with respect to supportive measures. And these measures must be offered even if you don't wish to initiate or participate in a grievance process.

Helpful Information for Respondents

Respondent = Individual Who Has Been Reported to Allegedly be the Perpetrator of Conduct That Could Constitute Sexual Harassment

Title IX respondents are treated equitably with a presumption of innocence. We're here to help.

Here's what you can expect...

- You'll be treated fairly.
- You'll have your identity kept confidential as required by law, except when necessary to ensure the safety of any person or as necessary to carry out a Title IX proceeding.
- You'll receive written notice of allegations upon receipt of a formal complaint.
- You'll be contacted confidentially by the Title IX Coordinator and offered supportive measures to restore or preserve equal access to education and protect your safety.
- You'll be treated equitably and not have any disciplinary sanctions imposed without the campus grievance process being followed. An emergency removal would be an exception to this.
- You'll be provided with a fair and impartial grievance process administered by trained and impartial school officials.
- You'll be protected from being coerced or threatened into participating in a grievance process.
- You won't be required to come face-to-face with the complainant during a hearing.
- You'll have the right to be accompanied by an advisor of your choosing, who may or may not be an attorney. If you do not have an advisor, one will be appointed to assist you in the live hearing.
- You will have the right to present your own evidence and witnesses.
- You will have the opportunity to review and respond to all available evidence in advance of the hearing.
- You'll have all relevant evidence objectively evaluated.
- You'll be told what the stated standard of evidence being used is.
- You'll receive a written decision and rationale from Florida Tech once the grievance process is completed.
- You'll have an equal right to appeal and will receive information about our appeal procedures.

Your Privacy

The entire Title IX proceeding is part of your private student record, which doesn't get released to the public, even when there's a finding of responsibility.

Sexual Harassment Is...

Sexual harassment is defined as being “Severe, pervasive, and objectively offensive conduct that effectively denies a person equal educational access.” Therefore, it is a form of sex discrimination prohibited by Title IX.

The three types of misconduct, on the basis of sex, that encompass the sexual harassment definition include:

- **Quid Pro Quo Harassment** occurs when a campus employee causes a student to believe they must submit to unwelcome sexual conduct to participate in a school program or activity, or causes a student to believe that the employee will make an educational decision based on whether the student submits to unwelcome sexual conduct. It doesn't matter whether the student resists and suffers the threatened harm or submits to it and avoids the threatened harm for it to be considered sexual harassment.
For example: A faculty member threatens to fail a student unless the student agrees to a date.
- **Hostile Environment Harassment** occurs when unwelcome conduct of a sexual nature that a reasonable person would find so severe, pervasive and objectively offensive denies someone equal educational access, or creates an intimidating, threatening or abusive educational environment.
For example: Someone repeatedly targets another person with crude, sexually suggestive comments.
- **Any Instance of Sexual Assault, Dating Violence, Domestic Violence or Stalking**, as defined by Florida Tech's policy.

All these forms of sexual harassment jeopardize the equal access to education that Title IX is designed to protect.

Key Points

- Sexual harassment can take different forms depending on the harasser and the nature of the harassment.
- College or university employees, other students and non-employee third parties, such as a visiting speaker, may carry out this conduct.
- The conduct can be verbal, nonverbal or physical.
- People of all genders can be victims of sexual harassment, and complainants and respondents may be of the same or different sexes.
- Sexual harassment can occur in any school program or activity and can take place in institutional facilities or at off-campus locations, such as a school-sponsored retreat or training program at another location.

Sexual Harassment Is...

Recognizing Instances of Sexual Harassment

Some examples of sexual harassment on campus include...

- A faculty member conditions an intern's evaluation on submission to the faculty member's sexual advances
- A research professor does not give a student a role in a project because the student refuses his/her sexual overtures
- A professor who supervises the college newspaper continually and inappropriately touches a student editor in a sexual manner, causing the student to resign from the newspaper staff
- A faculty member withdraws an offer for graduate assistantship because the student has rebuffed the faculty member's advances
- A graduate teaching assistant repeatedly asks a student to stay after class and attempts to engage the student in discussions about sex and personal experiences while they are alone in the classroom, causing the student to stop coming to class

Source: Revised Sexual Harassment Guidance, 1/19/01

How to Help a Friend

Do you have a friend who has experienced sexual harassment of some type?

To help in the best ways possible, you can...

- Listen with compassion
- Direct them to available resources
- Not take everything on your shoulders

Getting the appropriate, trained professionals involved is the best thing you can do to help a friend get the necessary support and assistance.



Sexual Assault

Sexual assault is a form of sexual harassment, prohibited by Title IX, that may also be criminal in nature. All our Title IX resources and beyond are available if this is something you or someone else has experienced. There is never any reason to be embarrassed, ashamed or to think you won't be believed. Please let a trusted person know so you can get the assistance you need.

Sexual assault offenses include...

- Forcible rape
- Forcible sodomy
- Sexual assault with an object
- Forcible fondling
- Incest
- Statutory rape

Anyone can experience sexual assault, no matter their gender. People who commit sexual assaults and those who experience them may be of the same or different genders.

If You are Sexually Assaulted...

- Get to a place where you feel safe
- Seek a friend you can trust
- Don't shower, bathe any part of your body, douche, urinate, defecate, use medications or brush your teeth, if possible
- Stay in the clothes you are wearing or, if you've already changed, bring clothes, sheets and anything that was in contact with you during the assault in a paper bag (not plastic!) or wrapped in a clean sheet — don't clean or straighten the area
- Don't touch anything the respondent may have touched or left behind — this physical evidence can help in a subsequent investigation
- Get medical help to check for internal injuries you might not be aware of, treat external injuries, be treated for certain STDs, and get information about HIV/AIDS and pregnancy prevention
- Consider having a rape kit exam by a specially trained Sexual Assault Nurse Examiner done at the hospital — even if you don't think you want to press charges, having this exam done allows you to have evidence collected should you change your mind later
- Seek counseling support
- Consider your legal options and ask questions for clarification
- Preserve any electronic evidence, such as text messages, pictures, videos, social media posts or conversations related to the assault that may have taken place before, during or after the incident

The Role Alcohol Plays

Many campus sexual assaults involve alcohol.

- It may impair a person's judgment, making it difficult to take heed of risk cues or indications that a person doesn't want to engage in sexual activity.
- It may make it difficult for a person to recall important information about the events after the fact.
- It may increase the expectations of what will happen when we drink.
- It may be used as an excuse (*not* a valid one) by people who commit these types of offenses.

Sources: Wake Forest University, Sexual Assault Support; Southwestern University, Medical Issues and Immediate Safety; UCSC Title IX/Sexual Harassment Office

A Fair Grievance Process

We will provide a consistent, transparent grievance process for resolving formal complaints of sexual harassment.

Here's what you can expect...

- We will investigate every formal complaint (filed by a complainant or by the TIX Coordinator) alleging sexual harassment against a respondent.
- All parties will be treated fairly and equitably.
- All parties will be given written notice of the allegations, an equal opportunity to select an advisor of their choice (may or may not be an attorney) and an equal opportunity to submit and review evidence throughout the investigation.
- Trained Title IX hearing officer will objectively evaluate all relevant evidence and be free from conflicts of interest, prejudice or bias.
- Complainants' and respondents' privacy will be protected.
- The institution will bear the burden of proof.
- We will send written notice of any investigative interviews, meetings or hearings.
- The hearing officer will not be the same person as the investigator(s) or Title IX coordinator.
- A live hearing will be held – and can be conducted via video conference to keep the parties in separate rooms.
- Cross-examination by party advisors will be allowed – but never directly by the complainant or respondent.
- Both parties will be sent written determinations regarding responsibility that explain how and why the decision-makers reached their conclusions.
- Both parties will have an equal opportunity to appeal and will be provided with our appeal procedures, as well as the range of supportive measures available to both complainants and respondents.

Complainants will typically have the right to choose whether to file a formal complaint, which will lead to a grievance process.



Your Role

Proactive and Reactive Bystander Strategies

Here are some ways you can be an engaged, helpful bystander who addresses sexual violence issues safely and with care.

Proactive Bystander Strategies

- Work to create an environment where sexual violence is unacceptable
- Treat people with respect
- Speak up when you hear people making statements that blame survivors
- Talk openly with friends about the issues and how to confront them
- Encourage friends to trust their instincts to stay safe
- Be a knowledgeable resource for survivors
- Don't laugh at sexist jokes or comments
- Look out for friends at parties, bars and other gatherings
- Educate yourself and your friends
- Use campus resources
- Attend an awareness event
- Empower survivors to tell their stories

Reactive Bystander Strategies

- Get campus police or other authorities involved
- Create a distraction
- Get help
- Ask someone in a potentially dangerous situation if they are okay and/or want to leave
- Make sure they get home safely
- Intervene if you hear someone “targeting” another person
- Separate someone too intoxicated to consent from a potential perpetrator
- Say or do *something*

Sources: “What Can I Do?” Prevention Innovations, UNH; The Transformation Project/Green Dot, The University of Tennessee Chattanooga

Confidentiality Concerns

When it comes to confidentiality, we'll be up front with you.

- We'll take all reasonable steps to investigate and respond in a manner consistent with a student's confidentiality request.
- If the safety of others in the community could be at risk, however, the good of the whole may need to outweigh one student's confidentiality request.
- If a student requests confidentiality and decides not to proceed in a sexual violence case, the Title IX office might still need to submit a report of the incident to certain campus officials or law enforcement to comply with campus crime reporting laws.
- On-campus counselors and advocates — like those working or volunteering in sexual assault response centers, victim's advocacy offices, women's and health centers, as well as licensed and pastoral counselors — can typically talk with a survivor in confidence, unless a potential risk to health and safety becomes apparent.

Title IX and Florida Institute of Technology

In compliance with Title IX, Florida Institute of Technology does not deny or limit any student or employee the ability to participate in or benefit from any program offered by the institution on the basis of sex or gender.

For additional information on your rights under Title IX, visit www.fit.edu/title-ix.

How to File a Title IX Complaint:

- Call the 24-hour Security Department:
321.674.8111
- Fill out the online complaint form:
www.fit.edu/title-ix
- File in person with a Title IX Coordinator
(*contact information listed in box*)

Confidential Support & Services On-Campus:

- Ombudsperson • ombuds@fit.edu
- Student Counseling Center (SCC)
www.fit.edu/student-counseling-center
- Holzer Student Health Center
www.fit.edu/health • 321-674-8078
- Campus Chaplain – Catholic
www.fit.edu/ccm • 321-674-8045

Support & Services Off-Campus:

- Sexual Assault Victim Services (SAVS) of Brevard
womenscenter.net/sexual-assault-victims-services
24-Hour Hotline: 321-784-4357
- Serene Harbor (Domestic Violence Center)
www.sereneharbor.org
24-Hour Help Line: 321-726-8282
- Circles of Care – (Mental Health Crisis Stabilization)
www.circlesofcare.org
321-914-0640 (24-Hour Intake Services)
- Melbourne Police (9-1-1)
Non-Emergency Number: 321-608-6731
Criminal Investigations: 321-608-6443
- National Sexual Assault Hotline
1-800-656-HOPE (1-800-656-4673)
www.rainn.org
- Women's Center
womenscenter.net
321-242-3110

Title IX Coordinators

Grace S. Gamage, JD

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Kelsey Garrett

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Brian Lail

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Title IX and Florida Institute of Technology

Off-Campus Resources for LGBTQ+ Individuals:

- The Trevor Project
www.thetrevorproject.org
Text START to 678678
Call at 1-866-488-7386
- GLBT National Help Center
www.lgbthotline.org
help@LGBThotline.org
888-843-4564
- Trans Lifeline
www.translifeline.org
877-565-8860
- Space Coast Pride
www.spacecoastpride.org
president@spacecoastpride.org
317-800-1901
- Spektrum Health
www.spektrum.health/locations/melbourne
Local address: 1920 S Babcock St.
Melbourne, Florida 32901
321-294-0400



Our Response:

We will respond to any reported incidents that occur within our school's educational programs or activities, and at buildings we own or that are under the control of school-sanctioned student organizations.

These include:

- All on-and-off-campus fraternity and sorority houses
- Study abroad programs
- All on-campus residence halls and apartments
- All on-campus theme houses
- All campus offices and buildings
- Incidents occurring during university-sponsored special events such orientation, summer camps, conferences, alumni events, commencement

If you experience an incident that occurs in a different location or during a different event, please contact the Title IX Coordinator right away for more information (*see previous page for contact information*).

Our institution uses the preponderance of the evidence standard of evidence, which means that the burden of proof is met when there's found to be more than a 50% chance that a claim is true.

For additional information on your rights under Title IX, visit www.fit.edu/title-ix.

Supportive Measures

What supportive measures might be implemented to restore or preserve equal access to education, protect your safety and deter further sexual harassment? On our campus, they could include:

- Academic accommodations
- Residence hall/apartment moves
- Counseling
- No-contact orders
- Leaves of absence
- Class schedule changes

Our Title IX Coordinator and Deputy Coordinators are available to discuss these with you anytime (*see previous page for contact information*).