



**HUNTSVILLE/REDSTONE  
EDUCATION CENTER CAMPUS**

**Annual Security Report**

**2021**

*This information is provided in compliance with the Federal law, known as the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. It contains the required crime and fire statistics for the calendar years 2018, 2019, 2020 and the policies and procedures for the academic year.*

**Huntsville/Redstone Education Center Campus  
Table of Contents**

| <b><u>SECTION</u></b>  | <b><u>PAGE</u></b> |
|--|--------------------|
| Introduction – Annual Security and Fire Safety Report Preparation                  | 6                  |
| Reporting Crimes and Other Emergencies Promptly                                    | 7                  |
| <i>Emergency Numbers</i>   | 8                  |
| <i>Campus Security Authorities (CSAs)</i>  | 8                  |
| Huntsville/Redstone Education Center Statement on Campus Law Enforcement Authority | 9                  |
| Crime Report, Arrest, and Referral Statistics                                      | 9                  |
| Daily Crime Log  | 9                  |
| Monitoring Criminal Activity at Non-Campus Locations                               | 10                 |
| Pastoral and Professional Counselors (Crime Reporting)                             | 10                 |
| <i>Pastoral Counselor</i>  | 10                 |
| <i>Professional Counselor</i>  | 10                 |
| <i>Confidential Reporting – Anonymous Caller Procedure</i>                         | 10                 |
| Security and Access  | 11                 |
| Security Considerations in the Maintenance of Campus Facilities                    | 11                 |
| Emergency Response and Evacuation Procedures                                       | 11                 |
| Security Awareness Programs  | 11                 |
| Timely Warnings  | 12                 |
| Emergency Notification Methods   |                    |
| <i>Pre-Crisis Considerations</i>   | 13                 |
| <i>Emergency Notifications (Immediate)</i>   | 13                 |
| Procedures for Testing Emergency Response and Evacuation Procedures                | 14                 |
| Disclosure of Crime Statistics   | 14                 |
| Clery Act Crime Definitions  |                    |
| <i>Murder/Non-Negligent Manslaughter</i>   | 15                 |
| <i>Negligent Manslaughter</i>  | 15                 |
| <i>Robbery</i>   | 15                 |
| <i>Aggravated Assault</i>  | 15                 |
| <i>Burglary</i>  | 15                 |
| <i>Motor Vehicle Theft</i>   | 15                 |
| <i>Arson</i>   | 15                 |
| <i>Weapon Law Violations</i>   | 15                 |
| <i>Drug Abuse Violations</i>   | 15                 |
| <i>Liquor Law Violations</i>   | 15                 |

**Huntsville/Redstone Education Center Campus**  
**Table of Contents**  
**(Cont'd)**

| <b><u>SECTION</u></b>   | <b><u>PAGE</u></b> |
|---|--------------------|
| Sex Offenses  |                    |
| <i>Rape</i>   | 16                 |
| <i>Fondling</i>   | 16                 |
| <i>Incest</i>   | 16                 |
| <i>Statutory Rape</i>   | 16                 |
| Hate Crimes   |                    |
| <i>Larceny</i>  | 16                 |
| <i>Vandalism</i>  | 16                 |
| <i>Intimidation</i>   | 16                 |
| <i>Simple Assault</i>   | 16                 |
| Other Offenses (VAWA)   |                    |
| <i>Dating Violence</i>  | 17                 |
| <i>Domestic Violence</i>  | 17                 |
| <i>Stalking</i>   | 17                 |
| Geography Definitions from the Clery Act  |                    |
| <i>On-Campus</i>  | 18                 |
| <i>Non-Campus Building or Property</i>  | 18                 |
| <i>Public Property</i>  | 18                 |
| <i>On-Campus Student Housing Facility</i>   | 18                 |
| Unfounded Crimes  | 19                 |
| Adam Walsh Child Protection and Safety Act  |                    |
| Sexual Predator and Sexual Offender Notification  | 19                 |
| Crime Statistics  | 20                 |
| VAWA Policy Statements  |                    |
| <i>Policies, Procedures and Programs Related to Dating Violence, Domestic Violence, Sexual Assault and Stalking</i> | 23                 |
| <i>Primary Prevention and Awareness Program</i>   | 23                 |
| Crime Definitions   |                    |
| Domestic Violence/Dating Violence   |                    |
| <i>First Degree Domestic Violence</i>   | 23                 |
| <i>Second Degree Domestic Violence</i>  | 23                 |
| <i>Third Degree Domestic Violence</i>   | 23                 |

Huntsville/Redstone Education Center Campus

Table of Contents

(Cont'd)

| <u>SECTION</u>   | <u>PAGE</u> |
|--|-------------|
| Stalking   |             |
| <i>First Degree Stalking</i>   | 24          |
| <i>Second Degree Stalking</i>  | 24          |
| Consent  | 24          |
| Sexual Assault   |             |
| <i>First Degree Rape</i>   | 25          |
| <i>Second Degree Rape</i>  | 25          |
| <i>First Degree Sexual Abuse</i>   | 25          |
| <i>Second Degree Sexual Abuse</i>  | 25          |
| Sexual Torture   | 25          |
| Indecent Exposure  | 26          |
| Enticing Child to Enter Vehicle, House, Etc. for Immoral Purposes  | 26          |
| Sexual Abuse of a Child Less than 12 Years Old   | 26          |
| School Employee Having Sexual Contact with a Student Under the Age of 19 Years                                 | 26          |
| Statutory Rape   | 26          |
| University Definition of Consent   | 26          |
| Risk Reduction   | 27          |
| Bystander Intervention   | 28          |
| Other Information Covered by the PPAP  | 28          |
| Ongoing Prevention and Awareness Campaign  | 28          |
| PPAP and OPAC Programming Methods  | 29          |
| Procedures to Follow if You Are a Victim of Dating Violence, Domestic Violence, Sexual<br>Assault, or Stalking | 29          |
| Preservation of Evidence & Forensic Examination  | 29          |
| Security/Law Enforcement & How to Make a Police Report   | 30          |
| Information about Legal Protection Orders  | 30          |
| Available Victim Services  |             |
| <i>University Resources</i>  | 31          |
| <i>State/Local Resources</i>   | 31          |
| <i>Mental Health Crisis Centers</i>  | 31          |
| <i>National Resources</i>  | 32          |
| <i>Accommodations and Protective Measures</i>  | 32          |

**Huntsville/Redstone Education Center Campus**  
**Table of Contents**  
**(Cont'd)**

| <b><u>SECTION</u></b>   | <b><u>PAGE</u></b> |
|---|--------------------|
| Procedures for Disciplinary Action  |                    |
| <i>Title IX Coordinator</i>   | 33                 |
| <i>Deputy Title IX Coordinators</i>   | 34                 |
| <i>Title IX Policy: Information Resolution</i>  | 35                 |
| <i>Nondiscrimination Policy</i>   | 36                 |
| <i>Informal Resolution</i>  | 36                 |
| <i>Formal Resolution</i>  | 37                 |
| Rights of the Parties in an Institutional Proceeding  | 38                 |
| Possible Sanctions or Protective Measures that the University May Impose for Dating<br>Violence, Domestic Violence, Sexual Assault or Stalking Offenses | 39                 |
| Publicly Available Recordkeeping  | 40                 |
| Victims to Receive Written Notification of Rights   | 40                 |
| Drug, Alcohol, and Substance Abuse Policy Statement   | 40                 |

The Florida Tech Huntsville/Redstone Education Center, located in Huntsville, Alabama, provides graduate students at Redstone Arsenal and in the Huntsville area with opportunities to continue their education, maintain their professional and technical competence, and enhance their career development and progression.

Florida Tech programs are available to all who meet admission requirements of the university. Classes are available to military personnel, civilians, and contractors on-site at the Redstone Arsenal. All programs are designed for working professionals and adult learners. Students are invited to enroll at the beginning of every Fall and Spring semester (16-week terms) or Summer semester (11-week term).

The Huntsville/Redstone center offers graduate programs to military, government, and civilian adult learners. Our programs are designed for flexibility and convenience to work around busy professionals' schedules. Faculty offer real-world experience in their disciplines in addition to having top teaching credentials. We offer a number of convenient payment options, including VA/military education benefits if you are eligible, and tuition deferment plans if you have employer reimbursement benefits. Our robust offering of graduate certificate programs and master's degrees provide a range of options for your education needs.

The Florida Tech Huntsville/Redstone Education Center Campus is committed to providing a safe and secure environment by consistently seeking and finding ways to promote, preserve, and deliver a feeling of security, safety, and quality of service to its employees, students, and the community to which it serves.

The Florida Tech Huntsville/Redstone Education Center Campus encourages all individuals who attend, work or visit the campus to follow basic personal and property crime prevention procedures for yourself and for those around you. Please become familiar with the various services and procedures that are outlined in this report. If you have any questions, please feel free to contact the Huntsville/Redstone Education Center Staff at 256-876-1581 or via email at [huntsville@fit.edu](mailto:huntsville@fit.edu). The Florida Tech Huntsville/Redstone Education Center Campus receives security services from the Redstone Arsenal Police Department. They are located on post at 3623 Gray Rd SW, Huntsville, AL 35808, and can be reached at 256-876-2222.

## **Introduction - Annual Security and Fire Safety Report Preparation**

The University prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The Clery Compliance Officer takes several steps to ensure required statistics are compiled correctly. The Clery Compliance Officer will meet with members from Human Resources, Student Life, Student Housing, Residence Life, Student Conduct, Title IX, Risk Management, and other university departments, to discuss incidents that occurred on campus during the previous calendar year on the Clery reportable geography. Statistics required for the Clery Act are compiled during these meetings.

Additionally, the Clery Compliance Officer sends an email to all the “campus security authorities” requesting information for any crime statistics reported to them during the previous calendar year. Letters are sent to various law enforcement agencies located throughout the United States and abroad requesting crime statistics for all separate campus locations, non-campus locations that our students frequently used (more than one night) or used repetitively (same location every year) during the previous calendar year. All statistics gathered are reviewed to insure none of them have been "double reported."

This report lists statistics for three previous years of reported crimes that occurred on the Huntsville/Redstone Education Center Campus. Also included are reported crimes that occurred in off-campus buildings owned or controlled by Florida Tech and crimes that occurred on any public property within or immediately adjacent to, or accessible from the campus. The report describes institutional policies concerning campus security, alcohol and drug use, crime prevention, safety awareness, crime reporting, sexual assault, and crime related issues.

All prospective employees may obtain a copy of the report from Human Resources at the Florida Tech Main Campus, Ray A. Work Building, or through a link on the Florida Tech Employment website. The report is also available through a link on the admissions webpage for all prospective students or request for a hard copy can be made through the mail or via the internet.

The 2021 Annual Security and Fire Safety Report contains important information regarding campus safety and security. The report provides information about reporting crimes and the Department of Security’s collaboration with local, county, state, and federal law enforcement agencies. The report contains information on drug and alcohol abuse, sexual assault prevention and education, and procedures regarding fire safety. The report encompasses three calendar years of reported crime statistics for all properties owned, leased, or controlled by Florida Tech and on public property immediately adjacent to and accessible from the campuses. This information complies with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. By October 1st of each year, the Department of Security sends out the Notice of Availability for the Annual Security and Fire Safety Report to students, faculty, and staff. The Annual Security and Fire Safety reports are available through the Department’s website. The 2021 Annual Security and Fire Safety Report is available on the web at: <https://www.fit.edu/security/-crime-awareness-and-clery-act/>.

### **Reporting Crimes and Other Emergencies Promptly**

To help provide a safe and secure environment, all members of the Huntsville/Redstone Education Center community, including campus visitors, are expected, requested, and encouraged to report any criminal activity or emergency they observe, even if the victim of such crime elects or is unable (physically/mentally) to make such a report. Students, faculty, staff and guests are encouraged to report crimes and public safety related incidents by contacting the Huntsville/Redstone Education Center Staff at 256-876-1581 or via email at [huntsville@fit.edu](mailto:huntsville@fit.edu). The Florida Tech Huntsville/Redstone Education

Center Campus receives security services from the Redstone Arsenal Police Department. They are located on post at 3623 Gray Rd SW, Huntsville, AL 35808. Crimes and other emergencies can be reported by calling the 911 emergency line for life-threatening situations. Non-life-threatening situations can be reported to the Redstone Arsenal Police Department at 256-876-2222.

By promptly reporting all crimes, it will ensure inclusion in the annual crime statistics and will aid in providing timely Campus Safety Alerts to the community, when appropriate.

**EMERGENCY NUMBERS**

**Huntsville/Redstone Education Center Staff: 256-876-1581**  
**Huntsville/Redstone Arsenal Police Department EMERGENCY NUMBER (Police, Ambulance, Fire Emergencies): 911 or 256-876-2222**

### **Campus Security Authorities (CSA's)**

➤ *What Does a Campus Security Authority Do?*

The function of a campus security authority is to report to the official or office designated by the institution to collect crime report information, such as the campus police or security department, those allegations of Clery Act crimes that he or she receives. CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA. This means that CSAs are not responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner.

➤ *What Shouldn't a Campus Security Authority Do?*

A campus security authority is not responsible for determining authoritatively whether a crime took place—that is the function of law enforcement personnel. A campus security authority should not try to apprehend the alleged perpetrator of the crime. That too is the responsibility of law enforcement.

It's also not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so.

➤ *Campus Security Authority*

Below is the contact information for the CSA's (Campus Security Authorities) on the Huntsville/Redstone Campus:

| TITLE                | TELEPHONE NUMBER |
|----------------------|------------------|
| Senior Administrator | 256-876-1581     |

Crimes can be reported by phone, walk-in meeting, or by appointment. CSA Crime Report forms can be found on the Department of Security website: <https://www.fit.edu/security/>

## **Huntsville/Redstone Education Center Statement on Campus Law Enforcement Authority**

The Huntsville/Redstone Educational Center employs a Senior Administrator who meets the description of campus security personnel described in the Department of Education's Handbook for Campus Safety and Security Reporting.

Violations of the law are referred to local police authorities with jurisdiction on campus and where appropriate, the Florida Tech student disciplinary system. It is the policy of Florida Tech to assist authorities with investigations of criminal incidents on its campus to the extent it is able. Although the University does not have any memorandum of understandings (MOU's) in place with any local law enforcement agency regarding the investigation of alleged criminal offenses, we maintain a strong working relationship with all local, county, state and military police authorities.

As a private University, Florida Tech personnel have the right to ask for identification from anyone on its campus as well as the right to ask them to leave its facilities and property. Individuals who refuse to follow requests to leave are subject to arrest for trespassing.

### **Crime Report, Arrest, and Referral Statistics**

The Florida Tech Department of Security is responsible for collecting this data and preparing this report. We work directly with various departments at Florida Tech (Huntsville-Redstone Education Center) as well as the Huntsville/Redstone Arsenal Police Department to collect all of this information. Statistics reflect reports made to university campus security authorities as well as, local, and requested police departments and are compiled according to Clery Act guidelines.

This report may be used as an information gathering device or as a guide for safe practices throughout the university community.

Each member of the university community receives notification that describes the report and provides information concerning how to access the report. For more information, please feel free to contact the Florida Tech Department of Security at 321-674-8112.

### **Daily Crime Log**

In accordance with the Clery Act, Florida Tech maintains an electronic daily crime log in the Department of Security. The crime log can also be accessed at <https://www.fit.edu/security/-crime-awareness-and-clery-act/>.

The crime log for the most recent 60-day period may be inspected during normal university business hours. Any person may have supervised access to the crime log, whether or not they are associated with Florida Tech. Any portion of the log older than 60 days will be made available within two business days of a request.

Please note that Florida Tech may temporarily withhold inspection or copying of any crime log containing confidential information, or in cases where there is clear and convincing evidence that release of the information would jeopardize an ongoing investigation, jeopardize the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

## **Monitoring Criminal Activity at Non-Campus Locations**

While University Officials do not have primary responsibility for responding to non-campus properties, they do collaborate with local law enforcement agencies that respond to crimes at those locations and collect the incident data for required reporting under the Clery Act. Crimes and incidents occurring at non-campus properties, even those controlled or owned by officially recognized student organizations, should be reported to the local law enforcement agency, as they have primary responsibility for taking reports and handling calls for service there. The Department of Security requests all the law enforcement agencies that have jurisdiction for all our non-campus properties to immediately share information about any reported crimes at those locations so it will aid in the issuance of a timely warning if appropriate.

## **Pastoral and Professional Counselors (Crime Reporting)**

Because of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and are not required to report crimes for the inclusion into the annual disclosure of crime statistics. The University encourages its pastoral and professional counselors, if and when they deem appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis to Department of Security for inclusion into the annual crime statistics. It should be noted that an institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

The rulemaking committee defines counselors as:

### **Pastoral Counselor**

An employee of the institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

### **Professional Counselor**

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

## **Confidential Reporting- Anonymous Caller Procedure**

If you are a victim of or a witness to a crime and do not want to pursue action within the University or the criminal justice system, you can consider making a confidential report. With your approval, the Department of Security or Local/Military Police Department can report the details of the incident without revealing your identity in the public crime log or on a Campus Security Incident Report. The report will reflect your wish to keep the matter confidential, while taking action to ensure your safety and the safety of others.

This information helps the Florida Tech Department of Security keep an accurate record of the number of incidents involving students, employees, and visitors to determine where there may be a pattern of crime relating to a specific location, method, or assailant. This allows for timely alerting of the campus community to potential danger.

Confidential reports are counted and disclosed in the annual crime statistics for the University.

## **Security and Access**

Redstone Arsenal is a secure facility. Faculty and staff have annual contractor badges to get on post. Students are issued student visitor badges each semester when they are registered for class(es). The building front door is open weekdays from 7:00 a.m. until classes end at night. Side and rear doors are only accessible via door badge or key. At least one staff member must be in the building while their school is holding classes for security purposes.

## **Security Considerations in the Maintenance of Campus Facilities**

Florida Tech strives to maintain a safe working and learning environment. Ongoing checks are made to ensure that exterior lights are functioning properly. Also, plants, foliage, trees, gates, windows, doors, locks, fences, cameras and emergency call boxes are maintained to ensure safety on campus.

The education center on post (Toftoy Hall) has alarms which are tested regularly. There is currently no video surveillance; however, the Garrison has requisitioned cameras and the building should be equipped by the end of 2021. A staff member is responsible for monitoring access to the building. The school with the last class on any given day is responsible for locking the front door.

## **Emergency Response and Evacuation Procedures**

Tornado sirens are tested monthly. Building speakers are also tested monthly. Evacuation posters are located in every office and classroom as well as in the building Emergency Action Plan.

## **Security Awareness Programs**

- The U.S. Army Garrison at Redstone Arsenal offers several programs, including CPR, Active-Shooter Response, Bomb Threat Response, Radiation Safety, Fire, Lock Down, Shelter-in-Place, Hazard Material Spills, and others. The Army Installation Management Command maintains a nation Safety Office (Safety Manager: 210-466-0366) and provides training on traffic safety, safety regulations, and OSHA Form 300A (Injury & Illness reporting and recordkeeping).

All members of the Huntsville/Redstone Education Center community play an important role in keeping the campus safe and are encouraged to report any criminal act, unsafe conditions, or suspicious activity immediately. Students, faculty, and staff should use sound judgment and take precautions to avoid becoming a victim of a crime.

## Timely Warnings

At Florida Tech, there is a commitment to ensure that our community is informed of all incidents that may impact safety and security. A timely warning will be released to the campus community for any incident “that represents a serious or continuing threat to the students and employees” of the University.

### 1. When to Release a Timely Warning:

A timely warning will be released to the campus community for any incident “that represents a serious or continuing threat to the students and employees” of the University. The timely warning requirement applies to the Clery Act crimes and all require a case-by-case assessment as to whether the report presents a serious or continuing threat to the campus community. Additionally, hate crimes involving bodily injury or any of the Clery Act crimes, if they represent a continuing threat to the Florida Tech community, require a timely warning. Any other incidents that represent a serious or continuing threat to the community should also have a timely warning issued for them. Timely warnings do not necessarily need to be issued immediately but will be released as soon as reasonably possible when the facts of the incident have been established and correct information is being disseminated. Only in rare exigent circumstances would a timely warning be released immediately. The release may cause additional problems that can compound the initial event; therefore, careful examination of the timing of a release is critical. If it is an active criminal investigation that involves the local law enforcement agency, that office needs to be consulted before any release is disseminated.

### 2. Method for Collecting Timely Warning Information:

Information for a timely warning may be received from several different sources, including the Department of Security, local/military Police, County Sheriff, or any other law enforcement agency. Additionally, crimes or incidents may be reported to University Officials as enumerated under the sexual assault policy and, even though the crime or incident may not be investigated due to the victim’s wishes, a timely warning may still be required.

### 3. Who is Authorized to issue a Timely Warning:

Timely warnings should be released in most instances by the University Public Information Officer (PIO) after consultation with the Department of Security, Executive Vice President and Provost and President. The University designates that the PIO is the individual(s) responsible for community notices; therefore, any timely warning should come from that office. Only in exigent circumstances should a release come from any other location on campus, i.e., the Department of Security. If the Officer in Charge (OIC) of Security believes that a timely warning should be issued, he/she will contact the Director of Security before doing so.

#### 4. How a Timely Warning is released:

A timely warning may be issued in many ways, including, but not limited to:

Florida Tech team members communicate via;

- work phone,
- cell phone,
- email,
- text,
- Microsoft Teams, and various social media apps.

To communicate with students, signs are posted in classrooms, offices, and announcements are posted in the Canvas courses (all courses have a Canvas component).

Depending on the release, all or several of the communications systems may be employed as determined by the PIO in consultation with other relevant officials. The intention of a timely warning is to aid in the prevention of similar type incidents.

## Emergency Notification Methods

### Pre-Crisis Considerations

The University will make every attempt to communicate to the campus community before, during, and after emergencies. This includes providing detailed instructions to the campus about the emergency and what actions are necessary to ensure the safety of all students, faculty, staff and the general public.

### Emergency Notifications (Immediate)

The Redstone Arsenal Police Department is authorized to send emergency notifications to the Huntsville/Redstone Education Center Community if it is determined that there is an emergency or dangerous situation that poses an **immediate threat** to the health or safety of some or all members of the Florida Tech Community. Situations that may warrant an emergency notification include, but are not limited to:

- An emergency incident in progress; active shooters, bomb threats, civil unrest, and evacuations.
- Potential impending emergency incidents such as tornado warnings and other serious weather events.
- Safety messages regarding suspicious persons, area or school closures, crimes against person where the suspect is not apprehended.
- Termination messages including all clears, status updates or re-opening of campus or buildings.

The Redstone Arsenal Police Department shall, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Before sending a message, the incident must be confirmed through one or more of the following methods:

1. Confirmation of an emergency in progress is subject to:
  - a. Confirmation of the incident by an emergency responder in the area.
  - b. Visual confirmation via CCTV systems.
  - c. Audible confirmation either in person or via telephone systems or,
  - d. Three (3) unique reports of the incident from members of the public or Huntsville/Redstone community.
2. Confirmation of an impending emergency is subject to confirmation of the incident by an emergency responder or relevant agency.

In addition, tornado sirens are located on post and within the community to warn of weather-related issues. Those are tested monthly. In addition, the building and main office have TV monitors with access to local TV channels for up-to-the-minute information.

### **Procedures for Testing Emergency Response and Evacuation Procedures**

The Huntsville/Redstone Education Center will publicize their emergency response and evacuation procedures annually in conjunction with at least one test per calendar year. A test is defined as regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced. These tests may be announced or unannounced depending on the type of exercise.

Tornado sirens are tested monthly. Building speakers are also tested monthly. Evacuation posters are located in every office and classroom as well as in the building Emergency Action Plan.

### **Disclosure of Crime Statistics**

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics, the Department of Security prepares an annual report in cooperation with local law enforcement agencies surrounding all Florida Tech campuses. The reports are published on the University's website and publicized to enrolled students and members of the faculty and staff. In addition, these statistics can also be found on the U.S. Department of Education website at <http://ope.ed.gov/security>.

## Clery Act Crime Definitions

**Murder/Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Negligent Manslaughter:** the killing of another person through gross negligence.

**Robbery:** the taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – including joy riding)

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone's); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

*NOTE: The above listed crime definitions from the Uniform Crime Reporting Handbook*

## Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances in which the victim is incapable of giving consent.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

*NOTE: The above listed crime definitions from the Uniform Crime Reporting Handbook, 2013 Revised UCR definition of Rape, as prescribed by 2014 VAWA Negotiated Rulemaking Final Consensus Language.*

## Hate Crimes

The university is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc... the assault is then also classified as a hate/bias crime.

## **Other Offenses (VAWA)**

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim:

- 1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- 2) For the purpose of this definition, dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.

**Domestic Violence:** A felony or misdemeanor crime of violence committed:

- 1) By a current or former spouse or intimate partner of the victim.
- 2) By a person with whom the victim shares a child in common.
- 3) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
- 4) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 5) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- 1) Fear for the person's safety or the safety of others; or
- 2) Suffer substantial emotional distress.
- 3) For the purpose of this definition, Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- 4) Report the location as where a perpetrator engaged in the stalking course of conduct or where a victim first became aware of the stalking.

- 5) Report any additional behaviors that meet the above definition of Stalking if they occur or continue to occur after an official intervention has been put in place, including, but not limited to, an institutional disciplinary action or the issuance of a no contact order, restraining order or any warning by the institution or a court.

*NOTE: Additions from 2014 VAWA Negotiated Rulemaking Final Consensus Language*

### ***Geography Definitions from the Clery Act***

**On-Campus** defined as: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

**Non-Campus Building or Property** defined as: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e. privately owned fraternity); or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

The Non-Campus geography definition includes buildings or properties under temporary control during institutionally sponsored short-stay-away domestic or international trips for students of more than one night or buildings or properties under temporary control during institutionally sponsored domestic or international trips for students to repeated locations:

For example, students in the debate club take a trip to Washington, D.C. and stay at the same hotel every year. In this example, the institution must include in their Clery Act crime statistics any Clery Act crimes that occur in the rooms used by the students and any common areas used to access those rooms; including the lobby, elevator and staircases.

**Public Property** defined as: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities. The Florida Tech crime statistics do not include crimes that occur in privately-owned homes or businesses within or adjacent to the campus boundaries.

**On-campus Student Housing Facility** defined as: Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is a considered a subset of the On-Campus category.

Reasonably Contiguous is defined in the 2016 Handbook for Campus Safety and Security Report as follows: Refers to a building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the "campus." Generally speaking, it is reasonable to consider locations within one mile from the core or main campus border to be reasonably contiguous with the campus.

**NOTE:** There are no *Residential Housing* facilities located at this location.

### **Unfounded Crimes**

If a crime is reported as occurring On-campus, in On-campus Residential Facilities, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Only sworn or commissioned law enforcement personnel may unfound a crime after a thorough investigative process.

### **Adam Walsh Child Protection and Safety Act**

#### **Sexual Predator and Sexual Offender Notification**

Information regarding registered sex offenders in the State of Alabama may be obtained at: <https://www.alea.gov/node/270>

The information on the web site refers only to persons who have been convicted of, found guilty of or plead guilty to committing or attempting to commit sexual offenses and may not reflect the entire criminal history of a particular individual.

## **CRIME STATISTICS**

**CRIME STATISTICS 2018, 2019 & 2020 – HUNTSVILLE/REDSTONE CAMPUS**

This chart includes offenses/incidents that were reported to local law enforcement agencies, campus security and other campus authorities.

| Offense Type                        | Calendar Year | On Campus | Non-Campus | Public Property | Totals |
|-------------------------------------|---------------|-----------|------------|-----------------|--------|
| Murder & Non-Negligent Manslaughter | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Manslaughter by Negligence          | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Rape                                | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Fondling                            | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Incest                              | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Statutory Rape                      | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Robbery                             | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Aggravated Assault                  | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Burglary                            | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Motor Vehicle Theft                 | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Arson                               | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Domestic Violence                   | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Dating Violence                     | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |
| Stalking                            | 2020          | 0         | 0          | 0               | 0      |
|                                     | 2019          | 0         | 0          | 0               | 0      |
|                                     | 2018          | 0         | 0          | 0               | 0      |

No residential housing at this location.  
No reported crimes for the years 2018, 2019 & 2020.

**CRIME STATISTICS 2018, 2019 & 2020 – HUNTSVILLE/REDSTONE CAMPUS**

This chart includes offenses/incidents that were reported to local law enforcement agencies, campus security and other campus authorities.

| Offense Type                            | Calendar Year  | On Campus | Non-Campus | Public Property | Totals |
|---|--|-----------|------------|-----------------|--------|
| <b>Arrests</b>                          |  |           |            |                 |        |
| Liquor Law Violations                   | 2020   | 0         | 0          | 0               | 0      |
|   | 2019   | 0         | 0          | 0               | 0      |
|   | 2018   | 0         | 0          | 0               | 0      |
| Drug Law Violations                     | 2020   | 0         | 0          | 0               | 0      |
|   | 2019   | 0         | 0          | 0               | 0      |
|   | 2018   | 0         | 0          | 0               | 0      |
| Weapons Law Violations                  | 2020   | 0         | 0          | 0               | 0      |
|   | 2019   | 0         | 0          | 0               | 0      |
|   | 2018   | 0         | 0          | 0               | 0      |
| <b>Referred for Disciplinary Action</b> |  |           |            |                 |        |
| Liquor Law Violations                   | 2020   | 0         | 0          | 0               | 0      |
|   | 2019   | 0         | 0          | 0               | 0      |
|   | 2018   | 0         | 0          | 0               | 0      |
| Drug Law Violations                     | 2020   | 0         | 0          | 0               | 0      |
|   | 2019   | 0         | 0          | 0               | 0      |
|   | 2018   | 0         | 0          | 0               | 0      |
| Weapons Law Violations                  | 2020   | 0         | 0          | 0               | 0      |
|   | 2019   | 0         | 0          | 0               | 0      |
|   | 2018   | 0         | 0          | 0               | 0      |
| <b>Hate Crime Statistics</b>            |  |           |            |                 |        |
| 2020                                    | Zero (0) hate crimes, as defined by applicable federal law, were reported in 2020. |           |            |                 |        |
| 2019                                    | Zero (0) hate crimes, as defined by applicable federal law, were reported in 2019. |           |            |                 |        |
| 2018                                    | Zero (0) hate crimes, as defined by applicable federal law, were reported in 2018. |           |            |                 |        |
| <b>Unfounded Crimes</b>                 |  |           |            |                 |        |
| 2020                                    | Zero (0) unfounded crimes for 2020.  |           |            |                 |        |
| 2019                                    | Zero (0) unfounded crimes for 2019.  |           |            |                 |        |
| 2018                                    | Zero (0) unfounded crimes for 2018.  |           |            |                 |        |

## VAWA Policy Statements

### **Policies, Procedures and Programs Related to Dating Violence, Domestic Violence, Sexual Assault and Stalking**

Consistent with applicable laws, the university prohibits dating violence, domestic violence, sexual assault and stalking. The university's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found in the Title IX Policy at [fit.edu/policies/title-ix](http://fit.edu/policies/title-ix) and the Nondiscrimination Policy found at <https://www.fit.edu/policies/compliance-and-risk-management/nondiscrimination-policy-and-complaint-procedures/>.

The following sections of this report discuss the university's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses; and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

#### **Primary Prevention and Awareness Program**

The university conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the university prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction and bystander intervention.

#### **Crime Definitions:**

##### **Domestic Violence/Dating Violence**

###### **First Degree Domestic Violence—ALA. Code 13-A-6.130 (a)**

A person commits the crime of domestic violence in the 1<sup>st</sup> degree if the person commits the crime of assault in the 1<sup>st</sup> degree pursuant to section 13-A-6-20 or aggravated stalking pursuant to section 13-A-6-91, and the complainant is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating relationship, as defined in section 13-A-6-139, with the defendant.

###### **Second Degree Domestic Violence- ALA. Code 13A-6-131(a)**

A person commits the crime of the domestic violence in the 2<sup>nd</sup> degree if the person commits the crime of assault in the 2<sup>nd</sup> degree pursuant to section 13-A-6-21; the crime of intimidating a witness pursuant to section 13-A-10-123; the crime of stalking pursuant to section 13-A-6-90; the crime of burglary in the 2<sup>nd</sup> or 3<sup>rd</sup> degree pursuant to sections 13-A-7-6 and 13-A-7-7; or the crime of criminal mischief in the 1<sup>st</sup> degree pursuant to section 13-A-7-21 and the complainant is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating relationship, as defined in section 13 A-6-139, with the defendant.

### **Third Degree Domestic Violence—**ALA. Code 13A-6-132(a)

A person commits domestic violence in the third-degree if the person commits the crime of assault in the 3<sup>rd</sup> pursuant to section 13A-6-22; the crime of menacing pursuant to section 13A-6-23; the crime of reckless endangerment pursuant to section 13A-6-24; the crime of criminal coercion pursuant to section 13A-6-25; the crime of harassment pursuant to section (a) of section 13A-11-8; the crime of criminal surveillance pursuant to section 13A-11-32; the crime of harassing communications pursuant to subsection (b) of section 13A-11-8; the crime of criminal trespass in the third degree pursuant to section 13A-7-4; the crime of criminal mischief in the 2<sup>nd</sup> degree or 3<sup>rd</sup> degree pursuant to sections 13A-7-22 and 13A-7-23; or the crime of arson in the 3<sup>rd</sup> degree pursuant to section 13A-7-43; and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating relationship, as defined in section 13A-6-139.1, with the defendant.

### **Stalking**

#### **First Degree Stalking** ALA. Code 13-A-6-90(a)

A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the 1<sup>st</sup> degree.

#### **Second Degree Stalking** – ALA. Code 13A-6-90.1(a)

A person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any 3<sup>rd</sup> party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct is guilty of the crime of stalking in the 2<sup>nd</sup> degree.

### **Consent**

Whether or not specifically stated, it is an element of every offense defined in this article, with the exception of subdivision (a)(3) of Section 13A-6-65, that the sexual act was committed without consent of the complainant. Lack of consent results from: Forcible compulsion; or Incapacity to consent; or If the offense charged is sexual abuse, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the complainant does not expressly or impliedly acquiesce in the actor's conduct.

A person is deemed incapable of consent if he is; Less than 16 years old; or Mentally defective; or Mentally incapacitated; or Physically helpless. ALA. 13A-6-70

### **Sexual Assault**

Alabama law includes the following, among others, in its sexual offenses category: rape, sodomy, sexual misconduct, sexual torture, sexual abuse, indecent exposure, enticing a child to enter vehicle, house, etc. for

immoral purposes, sexual abuse of a child less than 12 years old. The following are definitions that apply to the Alabama sexual offense statutes (some of which are set forth below):

### **First Degree Rape**

A person commits the crime of rape of the first degree if:

- He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or
- He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated or
- He or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old.

### **Second Degree Rape**

A person commits the crime of rape in the second degree if:

- Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two years older than the member of the opposite sex.
- He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective.

### **First Degree Sexual Abuse**

A person commits the crime of sexual abuse in the first degree if:

- He subjects another person to sexual contact by forcible compulsion; or
- He subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated.

### **Second Degree Sexual Abuse**

A person commits the crime of sexual abuse in the second degree if:

- He subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old: or
- He, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.

### **Sexual Torture**

A person commits the crime of sexual torture: By penetrating the vagina or anus or mouth of another person with an inanimate object by forcible compulsion with the intent to sexually torture or to sexually abuse. By penetrating the vagina or anus or mouth of a person who is incapable of consent by reason of physical helplessness or mental incapacity with an inanimate object, with the intent to sexually torture or to sexually

abuse. By penetrating the vagina or anus or mouth of a person who is less than 12 years old with an inanimate object, by a person who is 16 years old or older with the intent to sexually torture or to sexually abuse.

### **Indecent Exposure**

A person commits the crime of indecent exposure if, with intent to arouse or gratify sexual desire of himself or of any person other than his spouse, he exposes his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm in any public place or on the private premises of another or so near thereto as to be seen from such private premises.

### **Enticing Child to Enter Vehicle, House, Etc. For Immoral Purposes**

It shall be unlawful for any person with lascivious intent to entice, allure, persuade, or invite, or attempt to entice, allure, persuade, or invite, any child under 16 years of age to enter any vehicle, room, house, office, or other place for the purpose of proposing to such child the performance of any act of sexual intercourse or an act which constitutes the offense of sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, or for the purpose of committing an aggravated assault on such child, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person.

### **Sexual Abuse of a Child Less than 12 Years Old**

A person commits the crime of sexual abuse of a child less than 12 years old if he or she, being 16 years old or older, subjects another person who is less than 12 years old to sexual contact.

### **School Employee Having Sexual Contact with a Student Under the Age of 19 Years**

A person commits the crime of a school employee having sexual contact with a student under the age of 19 years if he or she is a school employee and engaging in sexual contact with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section. As used in this section, sexual contact means any touching of the sexual or other intimate parts of a student, done for the purpose of gratifying the sexual desire of the other party. The term includes soliciting or harassing a student to perform sex.

### **Statutory Rape**

In Alabama, it is illegal for an adult (someone 18 or older) to have sex with a minor (someone younger than 16) even if the sex is consensual.

### **University Definition of Consent**

The university uses the following definition of consent in its Title IX Policy:

“Consent” is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words, conduct, or action, indicating that an individual has freely chosen to engage in sexual activity or contact. Consent cannot be obtained through (1) the use of coercion or force; or (2) by taking advantage of the incapacitation of another individual. Silence, passivity, or the absence of resistance does not imply consent. Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must immediately stop. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual activity or contact.

Lack of consent is a critical factor in determining whether Sexual Harassment has occurred. As defined above, consent is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through unreasonable manipulation or coercion—or any kind of physical force or weapon—and requires having cognitive ability to agree to participate. Consent requires an outward demonstration, through mutually understandable words, conduct, or action, indicating that an individual has freely chosen to engage in the specific sexual acts. A verbal “no” constitutes a lack of consent, even if it sounds insincere or indecisive.

Impairment or incapacitation due to alcohol and/or drug use, permanent/ temporary psychological or physical disability, and being below the age of consent in the applicable jurisdiction are factors that detract from or make consent impossible.

Silence or an absence of resistance does not imply consent, and consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act. Consent may be withdrawn at any time. When consent is withdrawn, sexual activity must immediately stop.

### **Risk Reduction**

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

Make your limits known before going too far.

- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider "mixed messages" a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don't take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; "playful" use of force during sex; Jekyll-and-Hyde personality.

### **Bystander Intervention**

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking against another person.

Realize that it is important to intervene to help others.

- Look out for those around you.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police.

### **Other Information Covered by the PPAP**

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Campaign**

The university also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

### **PPAP and OPAC Programming Methods**

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies and, as appropriate, targeting specific audiences throughout the university. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, periodic email blasts and guest speakers. A summary of this programming is provided below.

- New students receive education on the prevention of dating violence, domestic violence, sexual assault and stalking through a presentation by the Office of Student Life and the Department of Security Department during orientation. All new employees are required to complete an online training module on these topics upon hire and are required to retake the online training each year.
- As part of its ongoing campaign, the university uses a variety of strategies, such as in-person presentations by sexual assault organizations. While programming occurs throughout the year, the university also offers educational sessions and literature in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.

### **Procedures to Follow if You Are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking**

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the Redstone Arsenal Police Department at 256-876-2222. You may also contact the University's Title IX Coordinator at 321-674-8885.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### **Preservation of Evidence & Forensic Examinations**

Victims of physical assault are advised not to remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash or otherwise clean the

environment in which the assault occurred. You can obtain a forensic examination at Huntsville Hospital, 101 Sivley Rd. S.W., Huntsville, Al; 256-265-1000.

Completing a forensic examination does not require you to file a police report but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### **Security/Law Enforcement & How to Make a Police Report**

Redstone Arsenal Police Department: 256-876-2222

To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability. Florida Tech Department of Security is available to assist victims with filing police reports with the appropriate law enforcement agency. (Florida Tech Department of Security 321-674-8112).

### **Information about Legal Protection Orders**

Injunctions for protection may be obtained through the Office of the Clerk of Court & Comptroller of Madison County. The Domestic Violence Dept. can be reached at 256-532-3674.

The University will also assist in enforcing any injunction or restraining order or other no-contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no-contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus if necessary. Upon learning of any orders, the University will take all reasonable and legal action to implement the order.

The University does not issue legal orders of protection. However, as a matter of institutional policy, the University may impose a no-contact order between individuals in appropriate circumstances. The University may also request a "no trespass warning" be issued by the appropriate local law enforcement authority if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

### **Available Victim Services**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available

to them, both within the University and in the surrounding community. Those services include:

### **University Resources**

- Student Health Center 321-674-8078 <https://www.fit.edu/health/>
- Counseling and Psychological Services 321-674-8050 <http://www.fit.edu/caps>
- Campus Chaplain-Catholic 321-674-8045 <http://www.fit.edu/ccm/>
- Employee Assistance Program (Staff and Faculty) 877-398-5816 <https://www.resourcesforliving.com>
- Student Financial Aid – Sometimes, a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based upon the circumstances of a complaint, he/she should understand there might be financial aid implications in taking such leave. This should be discussed with financial aid personnel. The Title IX Coordinator can assist in facilitating this conversation if desired. The University’s financial aid website can be found at: <http://www.fit.edu/financialaid>

### **State/Local Resources**

Domestic Violence Counseling Centers  
Crisis Services of North Alabama, Inc.  
208 Exchange Pl. N.W.  
Huntsville, Ala. 35806  
256-716-4052

Family Services Center  
4092 Memorial Pkwy SW, # 205  
Huntsville, Ala. 35802  
256-551-1610

Salvation Army Emergency Shelter  
305 Seminole Dr. SW  
Huntsville, Al. 35805  
256-536-8876

### **Mental Health Crisis Centers**

Crisis Services of North Alabama  
208 Exchange Pl NW  
Huntsville, Ala. 35806  
256-716-1000

Mental Health Center-Madison County  
4101 Telstar Circle SW  
Huntsville, Ala. 35805  
256-564-8439

University of Alabama-Huntsville counseling Center  
555 Sparkman Dr. NW, Bldg. 200, Ste 208  
Huntsville, Ala. 35816  
256-824-6203

Unity Psychiatric Care  
5315 Millennium Dr. NW  
Huntsville, Ala. 35806  
256-964-6700

Integrated Behavioral Health  
600 Sun Temple Dr.  
Madison, Ala. 35758  
256-288-3333

Psychological and Counseling Associates  
936 Jeff Rd. NW  
Huntsville, Ala. 35806  
256-837-2127

NAMI-Huntsville  
701 Andrew Jackson Way, NE, Suite A  
Huntsville, Ala. 35801  
256-534-2628

North Alabama Psychiatric Associates  
953 Jeff Rd. NW  
Huntsville, Ala. 35806  
256-322-6272

## **National Resources**

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- U.S. Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

## **Accommodations and Protective Measures**

The university will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation and working situations or protective measures. If victims request

these accommodations or protective measures and they are reasonably available the university is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Title IX Coordinator at Miller Building, Room 109, 321-674-8885, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the university may consider, among other factors, the following:

- The specific need expressed by the complainant
- The age of the students involved
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The university will maintain as confidential any accommodations or protective measures provided to a victim to the extent that maintaining confidentiality would not impair the university's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the university in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the university will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

## **Procedures for Disciplinary Action**

### *Title IX Policy: Formal Resolution*

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the university's Title IX Policy and the related complaint resolution procedures, as well as the university's Nondiscrimination Policy and Complaint Procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

The complaint resolution procedures are invoked once a report is made to one of the following individuals:

#### **Title IX Coordinator**

Fanak Baarmand: 321-674-8885

Miller Building, Room 109

[fbaarman@fit.edu](mailto:fbaarman@fit.edu)

## Deputy Title IX Coordinators

- Rodney Bowers, Dean of Students  
321-674-8080; [rbowers@fit.edu](mailto:rbowers@fit.edu)
- Jacqueline Heatherington, Director of Residence Life  
321-674-7742; [jhetherington@fit.edu](mailto:jhetherington@fit.edu)
- Jennifer Mercurio, Associate Athletic Director  
321-674-8931; [jmercurio@fit.edu](mailto:jmercurio@fit.edu)
- Dr. Brian Lail, Ph.D., Professor  
321-674-8121; [blail@fit.edu](mailto:blail@fit.edu)

An electronic form available on the Title IX webpage at [fit.edu/policies/title-ix](http://fit.edu/policies/title-ix) can also be used to file a report.

Pursuant to the Title IX Policy, once a complaint is made, the Title IX Coordinator conducts a preliminary assessment to determine whether the Title IX Policy applies. If so, the Title IX Coordinator will contact the Complainant promptly to explain the process for filing a formal complaint. If the Complainant files a formal complaint, the Title IX Coordinator will evaluate it to determine if it must be dismissed according to the standards outlined in the Policy. The Title IX Coordinator may choose to file a formal complaint if the Complainant chooses not to.

Both the Complainant and the Respondent will be notified within five (5) days of filing a formal complaint and initiation of an investigation. During the investigation, the Complainant and Respondent will each have an equal opportunity to describe the situation and present witnesses and other supporting evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Upon completion of the investigation, which the university strives to complete within thirty (30) to forty-five (45) days of transmittal of the formal complaint, the investigator(s) will issue a written report and share it with the parties and their advisors.

The university will then assign a hearing officer to adjudicate the complaint. The hearing officer will notify the parties of his/her appointment, set a deadline for the parties to submit a response to the written report, setting a date and time for the hearing (no sooner than ten (10) days from transmittal of the notice), and providing a written explanation of the procedures for the hearing. At a minimum, the hearing will include:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions of the other party and any witnesses, including questions that support or challenge credibility;

- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief closing argument.

After the hearing is complete, the hearing officer will make a determination based on the preponderance of the evidence regarding whether a violation of Title IX has occurred. If so, prior to issuing a written decision, the hearing officer will consult with an appropriate university official with disciplinary authority over the Respondent, and such official will determine any discipline to be imposed. A written decision will then be issued.

Both parties have an equal opportunity to appeal the determination by filing a written appeal with the Title IX Coordinator within seven (7) days of being notified of the outcome of the investigation, or within three (3) days of the other party appealing, whichever is later. The Appeals Officer will evaluate the appeal to determine if it is timely filed and involves a permitted ground for appeal. If not, the Appeals Officer will dismiss the appeal. If so, the appeals officer will notify the other party that an appeal has been filed and that the other party has seven (7) days to submit an opposition to the appeal. The appeals officer will render a decision that is the final determination of the university. The university strives to issue the appeal officer's written decision within twenty-one (21) days of an appeal being filed.

#### **Title IX Policy: Informal Resolution**

After the Complainant and Respondent receive written notice of the filing of a formal complaint, the parties may voluntarily consent, with Title IX Coordinator approval, to voluntarily participate in an informal resolution process instead of a formal investigation and hearing. The informal resolution process will not be used to resolve an allegation of sexual assault or allegations that a non-student employee sexually harassed a student. The parties may agree to attempt an informal resolution of the complaint at any time during the investigation, hearing, and appeal process prior to issuance of the final determination regarding responsibility. If the parties agree to attempt informal resolution, the Title IX Coordinator shall act as an impartial mediator assisting the parties to attempt to reach a mutual agreement that satisfactorily addresses their individual concerns and ensures their ability to participate without harassment in the University's educational programs and activities. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that describe the parameters and requirements of the informal resolution process to be used, identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University Official, or a suitable third party), explains the effect or participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations in the formal complaint and explains any other consequence result from participation in the informal resolution process.

After receiving this notice, each party must voluntarily provide written consent to the Title IX Coordinator before the informal resolution may commence.

If the parties reach a resolution, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, it will be documented in writing signed by the parties and the Title IX Coordinator. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final. The allegations addressed by the resolution are considered resolved. They will not be subject to further investigation, adjudication, remediation, or discipline by the University, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the University.

The Title IX Coordinator will implement any actions required of the University by the terms of the resolution. If either or both parties request to withdraw from the informal resolution or discontinue the informal resolution process, it will be terminated, and the formal grievance process will be initiated or resumed. Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary rulings by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the formal complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

An informal resolution is not subject to appeal.

### **Nondiscrimination Policy**

If the Title IX Coordinator determines that an allegation of dating violence, domestic violence, sexual assault, or stalking does not fall with the university's Title IX Policy, the allegation will be examined under the university's Nondiscrimination Policy. If it is determined that a complaint falls within the Nondiscrimination Policy, the university will reach out to the Complainant to determine whether the informal resolution (not an option for cases involving sexual violence) or the formal resolution process will be used.

### **Informal Resolution**

If the informal procedure is used, the appropriate university official will notify the parties and meet with the Complainant and Respondent separately. The appropriate administrator will take the steps necessary to gather additional information from the parties or others perceived to have knowledge of the allegations. The appropriate administrator will make all reasonable attempts to resolve the matter within thirty (30) days. If the process fails to resolve the matter to the satisfaction of both parties, or the terms of the informal resolution are subsequently broken, either party may request a formal resolution/investigation of the charge within ten (10) calendar days of concluding the information resolution process.

## **Formal Resolution**

Normally, a signed incident complaint form containing a written statement of allegations initiates the formal process. Once filed, the appropriate administrator will notify the Respondent in writing and provide the Respondent with a copy of the complaint and offer to schedule a preliminary meeting to discuss information regarding rights and responsibilities and potential sanctions. The Respondent will have ten (10) business days after receipt of the complaint to file a formal written response.

The university will then appoint an investigator to analyze and document available evidence to support reliable decisions, synthesize all available evidence, and take into account the unique and complex circumstances of each case. The investigator is neutral and does not advocate for either party.

The investigator will provide the opportunity for both the Complainant and the Respondent to present witnesses and evidence. The investigator will interview the Complainant, the Respondent, and any relevant witnesses. The investigator is authorized to contact all persons who may have information relevant to the complaint and shall have access to all relevant University records. The investigator shall also collect and evaluate other available records and information relevant to the complaint and investigation (e.g. email communications, medical test results, photographs), as appropriate. The investigator will determine, in the investigator's sole discretion, what information is relevant.

At the conclusion of the investigation, the investigator will prepare a preliminary written report. Both parties will be provided a copy of the preliminary report and have three (3) business days to respond to it in writing.

If, after receiving the written responses from the Complainant and the Respondent regarding the preliminary report, the investigator determines that no further inquiry is required, the investigation will be deemed complete and final. If, in the sole discretion of the investigator, further inquiry is necessary, the investigator will follow up on the information and ask any clarifying questions of the parties and witnesses before finalizing and completing the investigation. Any additional relevant information received and/or answers to clarifying questions will be included in the final investigation report.

The final investigative report shall normally be issued within ninety (90) calendar days after the complaint is filed. When more than ninety (90) days is needed to complete the investigation, the appropriate administrator shall notify the parties and direct the investigator to proceed as expeditiously as possible.

Upon receipt of the final investigation report, the appropriate administrator will refer the matter to the appropriate institutional official to reach a determination regarding whether the preponderance of the evidence supports a finding that the Policy has been violated. In reaching a decision, the institutional official will review the final investigation report and meet separately with the parties to provide them with an opportunity to discuss whether any of the allegations are supported by a preponderance of the evidence and constitute a violation of Policy. In advance of the meeting, the parties will be permitted to submit relevant questions to the institutional official to be asked of the other party. The institutional official will have sole discretion to determine whether the questions submitted are appropriate and relevant to the issues in dispute.

After reaching a determination, the institutional official will prepare a written decision that will include a statement of, and rationale for, each allegation that constitutes a separate potential violation of this Policy, including a determination regarding responsibility for each separate potential incident. The written decision shall also articulate findings of fact, made under a preponderance of the evidence standard, that support the determination.

Unless otherwise indicated in the report, the date of the report shall be considered the date upon which the results of the investigation become final. The University Designated Official or designee will simultaneously provide copies of the written decision to the Complainant and the Respondent. The Complainant and Respondent will also be advised of the appeal process at that time.

Either party may appeal the investigation finding. Such appeals shall be filed with the university appeals officer. Parties wishing to file an appeal must do so within ten (10) days after receiving the final report.

Appeal decisions (which shall include a statement of the rationale for the decision) shall be rendered within thirty (30) days after the request for appeal is received unless extended for good cause as reasonably determined by the Appeals Officer. Copies of the appeal decision shall be simultaneously provided to the parties, with a copy also to be sent to the appropriate Vice President and/or Provost.

### **Rights of the Parties in an Institutional Proceeding**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result; a prompt, fair and impartial process is one that is:
  - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
  - Conducted in a manner that:
    - Is consistent with the institution's policies and transparent to the accuser and the accused.
    - Includes timely notice of hearings; and
    - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the hearings.
  - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Investigations and hearings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding and avoiding actual and perceived conflicts of interest. The university has dedicated Title IX investigators who complete annual in-person and/or webinar training provided by nationally recognized Title IX authorities.

Each Hearing Officer is a licensed attorney with many years of relevant civil trial experience.

3. The same opportunities to have others present during any hearing, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice who may be, but need not be an attorney. The institution may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties. However, the right of the parties' advisor to engage in relevant cross-examination of parties and witnesses shall not be denied.
4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the hearing, any procedures for either party to appeal the result, any change to the result and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

#### **Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses**

Following a final determination in the institution's disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions are warning; reprimand; probation; restitution; fine; loss of privileges; housing probation; suspension or expulsion/termination; restriction on eligibility to represent the university at any official function or in any intercollegiate competition. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. An employee may be suspended for any length of time determined appropriate by the Director of Human Resources. Following a suspension, the individual will be required to meet with the Dean of Students (student) or Director of Human Resources (employee) to discuss re-entry and expectations going forward.

In addition, the university can make available to the victim a range of protective measures. They include forbidding the accused from entering the victim's residence hall and from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, housing assignments, changes in working situations, etc.

Upon written request, the university will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the university against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

### **Publicly Available Recordkeeping**

The university will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault and stalking who make reports of such to the university to the extent permitted by law.

### **Victims to Receive Written Notification of Rights**

When a student or employee reports to the university that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the university will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### **Drug, Alcohol, and Substance Abuse Policy Statement**

When students enter Florida Tech, it is assumed that they have a serious purpose and a sincere interest in their own social and intellectual development. It is also assumed that they are familiar with the regulations, procedures and policies set for the students at the university and that they have them as a way of life during their stay at the university. Students are expected to learn to cope with problems with intelligence, reasonableness and consideration for the rights of others; to obey laws and ordinances of the nation, state and community in which they, as well as the university, are a part; and to conduct themselves peaceably in espousing changes. As they prize rights and freedoms for themselves, they are expected to respect the rights and freedoms of others.

The university is committed to creating and maintaining an environment that is free of alcohol abuse. The university prohibits the possession, use, and sale of alcohol beverage on campus or as any part of the university's activities, unless it is done in accordance with applicable university policies, and it also enforces the state's underage drinking laws.

The university's Drug and Alcohol policy outlines the practice and procedure designed to correct instances of identified alcohol or illegal drug use in the workplace. The link to the university's Drug and Alcohol Policy is <https://www.fit.edu/policies/human-resources-policies/discipline-and-rules/drug-and-alcohol-policy/>

In compliance with the Drug Free Schools and Communities Act (DFSCA), the university has a drug and alcohol abuse and prevention program, which includes an annual notification to students and employees regarding certain drug/alcohol-related information (such as legal sanctions for violations of applicable laws, health risks, etc.) and a biennial review of this program to evaluate its effectiveness and assess whether sanctions are being consistently enforced. For more information, see below.

To receive a copy of the biennial review report, visit <https://www.fit.edu/student-involvement/office-of-student-affairs/>

The annual notification can be found at <https://www.fit.edu/policies/consumer-information-disclosures/>

- The Alcohol eCheckup To Go (e-CHUG) is an evidence-based, personalized online alcohol intervention designed by the university counseling center and psychologists.
- The Cannabis eCheckup To Go is an evidence-based, online prevention and intervention program designed to reduce cannabis use among college students. It is designed to help motivate students to reduce their level of cannabis use using personalized information about their behavior and risk factors.
- Safe Colleges Training on Alcohol and Drug Abuse Prevention are powerful, evidence-based courses that stimulate change in students' attitudes and behavior by presenting students with the many risks of abusing alcohol or drugs and detrimental effects that these can have on their lives. The list of courses are as follows:
  - Alcohol and Other Drugs
  - Marijuana: What You Should Know
  - Prescription Addiction Suite: Opioids, Stimulants and Depressants