



**LAKE NONA  
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.*

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The Florida Tech Lake Nona Education Center offers the Bachelor of Science in Logistics Management degree completion program. The B.S. Logistics Management degree is available to students who hold an associate degree or a minimum of 51 transferable credit hours from a regionally accredited institution.

The Florida Tech Lake Nona 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 Lake Nona 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 Lake Nona Education Center Staff at 407-582-7133 or via email at [Orlando@fit.edu](mailto:Orlando@fit.edu). The Florida Tech Lake Nona Education Center Campus receives security services from the Valencia College, Lake Nona Campus Security and the Orlando Police Department. The Lake Nona Campus Security Office phone number is 407-582-7000. The Orlando Police Department phone number is 321-235-5300

## **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 list statistics for three previous years of reported crimes that occurred on the Lake Nona 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 Lake Nona 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 Lake Nona Education Center Staff at 407-582-7133 or via email at [Orlando@fit.edu](mailto:Orlando@fit.edu). The Florida Tech Lake Nona Education Center Campus receives security services from the Lake Nona Campus Security and the Orlando Police Department. The Lake Nona Campus Security phone number is 407-582-7000. The Orlando Police Department phone number is 321-235-5300. Orlando Police Department is located at, 1250 West South Street, Orlando, FL 32805.

The Lake Nona Security Department believes that the dissemination of information is the key to educating our college community about the occurrence of crime on campus. Students and employees are encouraged to report all incidents of crime. Students and employees are reminded that our multi-campus operation involves several legal jurisdictions. However, when reporting all emergencies, dial 911.

In addition, Lake Nona Campus Security needs to be notified in an effort to support and assist the responding emergency personnel. Our assistance can be critical when time is important, and when the responding emergency team is having difficulty locating the reported emergency. Students and employees may wish to contact the Campus Security Office and request an emergency response, at which time, this information will be relayed to the appropriate emergency response team.

All emergency situations involving:

- A crime in progress
- A medical emergency
- A fire

should be immediately reported to 911. All phones, both on and off campus may be used to dial 911 at no charge. While on campus, people should be aware that different telephone systems might require you to dial for an "outside line" before dialing 911.

As an added security measure, there are "Blue Light" non-dial outdoor emergency telephones located at strategic points on campus. These phones are easily identified by their columns topped with blue lights. When the red button is pushed, the caller is immediately in contact with the campus Security Department. In addition to providing voice contact with security, the dispatcher is also able to pinpoint the caller's location. These phones are for emergency use only.

### **"Blue Light" non-dial outdoor emergency telephones**

All elevators in educational buildings have emergency phones with direct contact to the monitoring station.

When calling for either emergency or non-emergency service, be prepared to:

- Clearly identify yourself.
- State where you are calling from.
- State briefly, the nature of your call.

If possible, the caller should stay on the line unless otherwise advised by the dispatcher. The dispatcher will summon the appropriate police, fire, and/or medical service.

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**

**Lake Nona Education Center Staff: 407-582-7133**

**Lake Nona Campus Security Office EMERGENCY NUMBER (Police, Ambulance, Fire Emergencies): 407-582-7000.**

**Orlando Police Department: 911 or 321-235-5300**

### **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 Lake Nona Campus:

TITLE	TELEPHONE NUMBER
Administrator	407-630-7893
Lake Nona Campus Security	407-582-7000

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/campus-security-authorities/>

### **Lake Nona Education Center Statement on Campus Law Enforcement Authority**

Campus security officers are not sworn law enforcement personnel and are not empowered as such. They do not have the authority to make arrests. Campus security has jurisdiction limited to buildings, facilities and/or property owned or under the control of Valencia College.

Security operations are supplemented with local law enforcement officers who are contracted during college hours of operations. When local law enforcement is not readily available on campus, security is directed to reach out to law enforcement in their vicinity.

The college does maintain a cooperative working relationship with the Orlando Police Department, Kissimmee Police Department, Winter Park Police Department, Orange County Sheriff's Office and Osceola County Sheriff's Office. These agencies will promptly respond to our campuses within their jurisdiction for emergencies, to complete police reports and to conduct criminal investigations. Although Valencia College does not have a formal memorandum of understanding with any law enforcement agency, the college encourages accurate and prompt reporting of all crimes and other emergencies which occur on or near our campuses, whether the victim elects to, or is unable to, make such a report.

### **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 (Lake Nona Education Center) as well as the Lake Nona Campus Security Office and the Orlando 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.

## **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 rule-making 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 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.

## **Security and Access**

The Lake Nona campus is equipped with an Active Alarm System (Signature System) that is activated after hours of operations and deactivated during hours of operations. Security personnel and those with full access to the facility can activate and deactivate the system when required.

Video surveillance is conducted and monitored at the Lake Nona security office in Room 150. (X-protect) is the current operating video system used to conduct daily surveillance, track video recordings and store historical information.

The system operates 24 hours a day. The system covers several main areas of the internal structure, the main parking lots and the CEP building. The responsibility of the system is by the security department and can be monitored from all of our campus locations.

## **Security Awareness Programs**

### **Staying Safe on Campus**

Both students and the general public are welcome at any of Valencia College campuses during normal hours of operation: 7:00 a.m. to 10:00 p.m. Monday through Friday (hours may vary slightly during the weekends, holidays and during the summer). Although college campuses are among the safest places in our society, like any other public place, there is a need to remain aware and alert. Suggestions for staying safe while on campus include the following:

- Walk in groups.
- Call security for an escort anytime you feel uncomfortable walking on campus.
- Stay in areas that are well lit.
- Remain alert and report suspicious activity to campus security, Campus Security Authority and staff, and/or law enforcement.
- If you suspect an imminent threat from someone you see on campus, notify security immediately and do not approach the person who concerns you.
- Call 911.

## **Lighting, Locks, Patrols and Other Safety Measures**

Valencia College continually looks at ways to improve safety. We have allocated substantial resources to improve lighting, alarms, communications, staffing and other important safety measures. When warranted, we have the capacity to remotely lock down the exterior doors to every building on every campus within moments of a notification of an event, reducing the possibility of a “moving threat.” To meet safety and security regulations, the college also performs the following:

- Campus maintenance teams regularly inspect the campuses and facilities for safety and security issues.
- All reported safety and security related issues are acknowledged immediately.
- The college operations team (plant operations, grounds, compliance) and security work closely together to ensure a safe and secure campus environment.

The Valencia College Safety and Security department employs 120 officers under the auspices of the office of the managing director for Safety and Security. All officers are trained and licensed under the State of Florida Statutes Chapter 493. Officers also receive training in the following areas:

- CPR
- AED
- Emergency evacuation procedures
- C.E.R.T training
- Run, Hide, Fight

## **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 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 AND EVACUATION PROCEDURES**

Valencia College initiates emergency notifications primarily through Blackboard Alerts and the Valencia College Safety app. These notification methods are tested throughout the year. It provides timely and accurate information about emergency situations which could impact personal safety or college operations. The goal is to help keep the individuals safe and be informed during incidents. Generally, emails and text messages will be used only for events that present an imminent danger to the campus community or that will significantly impact college operations. Examples of situations in which text messages and emails might be sent include, but are not limited to: bomb threats, chemical spills and facility failures, threats of violence, a dangerous suspect at-large and extreme weather alerts. The Valencia College Safety app allows students and staff to simultaneously call and send their location to the security department in an emergency. It also offers a variety of other features, such as:

- Emergency Contacts
- Virtual Walk Home
- Campus Maps
- Notification History
- Friend Walk
- Report a Tip
- Safety Toolbox
- Emergency Plans
- Security Website
- Emergency Guidelines for Study Abroad
- Mobile Blue Light
- Chat with Security
- FDLE Sexual Offenders/Predators Search

Supplemental messages will be issued through Valencia College Alert and the above site will be updated during an emergency as information becomes available. For questions about Valencia College Alert and how it is used, contact your campus Safety and Security department.

### **Emergency Notification**

Valencia College will make reasonable efforts to provide notification about emergencies and natural or man-made disasters affecting the college. Each Valencia College employee who is authorized and trained to activate the Valencia College Alert system has the responsibility of ensuring that it is activated primarily for life safety situations. It is not typically used for routine notifications.

The Valencia College Safety and Security department will, upon confirmation of a significant or dangerous situation occurring on or near campus, promptly and without delay, 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 professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The Valencia College Safety and Security department will be primarily responsible for confirming a significant or dangerous public safety situation on campus, via an independent source, a victim or witness, or officer observation on campus based on available information at the time.

The entire campus community will be notified when there is the potential, that any member could be affected by an incident, or when a situation threatens the operation of the campus as a whole. Notification outside of the campus community could be disseminated through the college's Public Affairs and Marketing department. Security will continuously assess the incident and provide additional information as necessary.

Valencia College Alert is a multimedia communications system that provides timely and accurate information about emergency situations that could impact the college. The goal is to help keep the campus safe and informed during an emergency. Valencia College Alert features several communication tools, including emails, text messages, web updates, social media, PA speakers, digital flat screens and more.

## Evacuations

Buildings on all campuses have a notification system for evacuations. In most buildings, this is the fire alarm system. Some of those systems only sound an alarm, while others give voice evacuation directions. Upon the sounding of the alarm, if time permits, the Campus Emergency Response Team (CERT) members will go to predetermined areas to direct individuals to walk quickly out of the building by way of the closest available exit in a calm, orderly manner to the evacuation area. CERT members and Security will provide assistance to physically challenged individuals as needed or requested.

Routine testing of the evacuation plans will be under the control of the college's compliance team, executed with the assistance of the college's Safety and Security department.

## 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 Protection and Safety Act**

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

The Florida Legislature recently passed a new law (as an amendment to the Ryce Act dealing with sexual predators and offenders) that will require Florida educational institutions, both private and public, to include sex offender registry information in new student and employee orientation and on the institution's website.

#### **Section 3. Section 1005.10, Florida Statutes, reads:**

1005.10 Sexual predator and sexual offender notification; nonpublic colleges, universities, and schools. Each nonpublic college, university and school shall

inform students and employees at orientation and on its website of the existence of the Department of Law Enforcement sexual predator and sexual offender registry website and the toll-free telephone number that gives access to sexual predator and sexual offender public information pursuant to s. 943.043.

**Section 4. Section 1006.695, Florida Statutes, is created to read:**

1006.695 Sexual predator and sexual offender notification; Florida College System institutions, state universities, and career centers. —Each Florida College System institution as defined in s. 1000.21, state university as defined in s. 1000.21, and career center as provided in s. 1001.44 shall inform students and employees at orientation and on its website of the existence of the Department of Law Enforcement sexual predator and sexual offender registry website and the toll-free telephone number that gives access to sexual predator and sexual offender public information pursuant to s. 943.043.

The web site can be located at: <https://offender.fdle.state.fl.us/offender/sops/home.jsf>

Their toll-free number is: 1-888-357-7332

## **CRIME STATISTICS**

**CRIME STATISTICS 2018, 2019 & 2020 – LAKE NONA EDUCATION CENTER 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	1	0	0	1

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

**CRIME STATISTICS 2018, 2019 & 2020 – LAKE NONA EDUCATION CENTER 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 <https://www.fit.edu/title-ix/policies/> 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:**

**Sexual Assault:** Sexual battery (sometimes also called "sexual assault, "or rape) is illegal in Florida and punished as a felony. "Sexual battery" means oral, anal or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

**Domestic Violence:** "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

"Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

**Dating Violence:** "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

- A dating relationship must have existed within the past 6 months;

- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

**Stalking:** Stalking is defined by the State of Florida as “willfully, maliciously and repeatedly following, harassing or cyberstalking’ another. Stalking behaviors can consist of many things: actual physical following of a person, continuously calling or texting, emailing, leaving notes or sending letters, leaving or sending objects or “gifts”” ... Essentially, a pattern of unwanted behavior with malicious intent. Stalking involves a pattern of behavior that causes substantial emotional distress to a specific person with no legitimate purpose.

**Consent:** “Consent” means intelligent, knowing and voluntary consent and does not include coerced submission. Consent shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

The Florida legal age of consent for sexual contact is 18 years old. There is a total of 11 states that have set their age of consent at 18 years old, the highest legal age of consent in any state.

Close in age exemptions to the Florida legal age of consent permit a person 23 years of age or younger to engage in legal sexual activity with a minor aged 16 or 17. A person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second-degree.

### **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 out-ward 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 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 Orlando Police Dept. 321-235-5300. 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 to not 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 Advent Health East Orlando 7727 Lake Underhill Rd. Orlando Fl. 32822; 407-303-8110.

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

Orlando Police Department: 321-235-5300 or 911

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 Orange County Courts for: domestic violence, repeat violence, dating violence, sexual violence and stalking.

Any person who is a member of a family or household that is the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence may file for a **domestic violence injunction**.

Any person who is the victim of repeat violence (two incidents of violence or stalking committed by the perpetrator, one of which occurred within 6 month of the application) may file for a **repeat violence injunction**.

Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence may file for a **dating violence injunction**.

Any person who is the victim of sexual violence may file for a **sexual violence injunction**.

Any person who is the victim of stalking may file for a **stalking injunction**.

Orange County Campus students and staff should file petitions for injunctions with the Office of the Clerk of Court. The Clerk's Offices are located at: 450 N. Lakemont Ave. Winter Park; 425 N Orange Ave. Orlando; 684 S. Goldenrod Rd Orlando and; 2500 Discovery Dr. Orlando. The Petition filing cutoff time is 4:00pm.

The clerk will assist you in the preparation of the petition, which must include a brief statement of the reason for your request for the injunction for protection. There is no filing fee for an injunction for protection.

When the petition is completed, the Clerk will present it to a judge for consideration. The judge will either deny the petition without further hearing, schedule a hearing without issuing a temporary injunction, or

issue a temporary Injunction and schedule a hearing to determine if a Final Judgment should be entered. If the Judge issues a temporary injunction or an Order Setting Hearing, you will be able to pick up certified copies of the order in person and MUST have a valid ID to present to the Clerk. The Clerk's Office will provide the appropriate documents to the Sheriff's office for local service. If the Respondent is located out of state, you are required to provide the Clerk's office with the law enforcement agency address and payment for service of process associated with the out of state service on the Respondent.

If a hearing is scheduled, YOU MUST APPEAR AT THE HEARING. The Respondent will be directed to appear at the hearing also. The Judge will take testimony from you and from the Respondent.

If the Respondent commits another act of violence against you or returns to your property after being restrained from doing so, you should call 911. If the Respondent violates any other provisions of the Injunction for Protection, you should go to the Clerk of Court's Office during regular business hours to file a Motion for Contempt.

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, and the Title IX Coordinator can assist in

facilitating this conversation if desired. The University's financial aid website can be found at <https://www.fit.edu/financialaid/>.

### **State/Local Resources**

- Advent Health East Orlando  
7727 Lake Underhill Rd.  
Orlando, Fl. 32822  
407-303-8110
- Victim Service Center of Central Florida  
2111 E. Michigan Street, Ste. 210  
Orlando, Fl. 32806  
407-254-9415
- Harbor House of Central Florida  
708 E. Colonial Dr. #201  
Orlando, Fl. 32803  
407-886-2856
- Central Florida Behavioral Hospital  
6601 Central Florida Pkwy  
Orlando, Fl. 32821  
407-370-0111

### **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/>
- US 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

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### **Deputy Title IX Coordinators**

- Rodney Bowers, Dean of Students  
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- Jacqueline Heatherington, Director of Residence Life  
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- Jennifer Mercurio, Associate Athletic Director  
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- Dr. Brian Lail, Ph.D., Professor  
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An electronic form available on the Title IX webpage at <https://www.fit.edu/title-ix/policies/> 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