

# CAMPUS SEXUAL VIOLENCE ELIMINATION ACT (CAMPUS SAVE ACT)

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# The Clery Act

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TTI is committed to maintaining a learning environment that is safe and promotes respect and dignity of students, faculty, and staff. Everyone at TTI has the responsibility to exercise high ethical principles and standards of conduct.

The Clery Act is a federal law that requires institutions of higher education to provide current and prospective students and employees, the public, and the Department of Education with crime statistics and information about campus crime prevention programs and policies. Among other crimes, the Clery Act requires that colleges and universities report forcible sex offenses including sexual assault and rape. The Clery Act was most recently amended by the Violence Against Women Reauthorization Act of 2013.

# The Clery Act Continued:



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# Student Conduct

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This policy addresses student-related concerns of intimate partner and dating violence, stalking, sexual assault, sexual misconduct, and sexual harassment, which are all prohibited on this campus.

This policy, in addition to the Student Code of Conduct, governs the conduct of all TTI students. This policy is intended to address instances of prohibited conduct while respecting the rights of all involved; to comply with the Title IX, Clery Act, and the Campus Save Act; and to ensure the safety of the campus.

The prohibited conduct refers to incidents that occur on institute's premises, during institute's sponsored activity, or at an off institute premises when conduct adversely affects the Institute and/or the pursuit of its objectives.

Each student shall be responsible for his/her conduct from the time of application for admission through the actual completion and/or graduation of his/her program or course.

# Reporting Prohibited Conduct

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When TTI receives knowledge alleging prohibited conduct, TTI will fully investigate each allegation. Victims are not required to participate in an investigation, but TTI will still fulfill its obligation to investigate to the full extent possible.

TTI actively encourages individuals to report violations of this policy. Individuals are not required to report the incident to the campus or local police to receive support services.





# Reporting options include:

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Formal remedies for violations by a student will be handled through the Director or her Designee. If the conduct process finds a violation, punishment can be imposed up to and including expulsion.

Informal remedies do not replace formal discipline and can be taken before or during an investigation. Examples include: issuing a no-contact order, asking an administrative authority to speak to the individual to express concerns about a behavior or a change in schedule.

Informal remedies are available through the Student Services Office or the Abuse Hotline, or local law enforcement

- To file a complaint for a violation of this policy, contact the Assistant Director or Guidance Director
- To file a criminal report, contact the Perry Police Department or Taylor County Sheriff's Office.

# Definitions

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*Prohibited conduct* refers to student sexual assault and/or sexual misconduct, sexual harassment, stalking, intimate partner, and dating violence.

*Consent* is defined as valid sexual permission that is:

1. Freely and actively given
2. In mutually understandable words or actions
3. Consent to one form of sexual activity can never imply consent to other forms of sexual activity
4. Consent is not the lack of resistance; there is no duty to fight off a sexual aggressor
5. Consent can be withdrawn at any time, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions
6. A person shall not knowingly take advantage of another person who is under 18 years of age, mentally defective, under the influence of prescribed medication, alcohol or other chemical drugs, or who is not conscious or awake, and thus is not able to give consent as defined above. Further, a person shall not physically or verbally coerce another person to engage in any form of sexual conduct, to the end that consent as defined above is not given.
7. Any attempted acts of sexual misconduct are also violations of this policy

***Intimate Partner Violence*** encompasses domestic and dating violence, and specifically violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

***Domestic Violence*** (Florida Statutes 741.28(1)) defines domestic violence as "any assault, aggravated assault, battery, aggravated battery, 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 who is or was residing in the same single dwelling unit."

***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*** (Florida State Statute 784.046(1)(d)) – 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:

1. A dating relationship must have existed within the past 6 months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
3. The frequency and type of interaction between the persons involved in the relationship must have included that persons have been involved over time and on a continuous basis during the course of the relationship.

# Recognizing Abusive Behavior

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1. Frequent yelling directed at a partner
2. Blaming partner for own faults
3. Name calling
4. Consistently accusing partner of infidelity
5. Kicking, holding, slapping, or scratching
6. Use of verbal/abusive comments
7. Forcible sex



# Stalking

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Florida Statutes 784.048(2) defines stalking as "any person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person.

The Department of Education defines "stalking" as: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress

# Stalking Continued:

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## Florida Statute 784.048 defines these terms:

(a) "**Harass**" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.

(b) "**Course of conduct**" means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.

(c) "**Credible threat**" means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

(d) "**Cyberstalk**" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

**Aggravated Stalking** (Florida Statutes 784.048(3)) "aggravated Stalking" is defined as "any person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person, and makes a credible threat with the intent to place that person in reasonable fear of death or bodily injury of the person, or the person's child, sibling, spouse, parent, or dependent, commits the offense of aggravated stalking."

# Sexual Assault

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Rape and sexual assault are called "Sexual Battery" under Florida criminal law, the terms are synonymous and occurs when someone compels a victim to engage in sexual intercourse against the victim's will. It is a violation of state law, and is defined as:

- "oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration by another with any other object." The crime also includes circumstances when the victim is mentally incapable of giving consent such as being in a coma or passed out from drug or alcohol use." (see Fl. Stat. Ann. § 794.011)
- Sexual assault is any form of sexual activity where consent is not willingly given. It includes anything from touching to penetration. Males and females can be both victims and perpetrators of sexual assault.

As defined by the Department of Education, sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim:

- "Rape" is defined as 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.
- "Fondling" is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- "Incest" is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- "Statutory Rape" is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

For more information on Florida Laws and on this topic, in general go to this link: <https://www.rainn.org/public-policy/legal-resources/florida>

# Sexual Harassment

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Sexual Harassment is any unwelcome sexual advances, requests for sexual favors, and other written, verbal, non-verbal or physical conduct of a sexual nature when it is made either implicitly or explicitly as a term or condition of an individual's employment or status in a course, program, or activity offered by the Institute.

If this act is interfering with the individual's work or education performance; creating an objectively intimidating, hostile, or offensive working and/or learning/living environment; or

interfering with or limiting one's ability to participate in or benefit from an educational program or activity, this is sexual harassment.

In cases of sexual harassment, if the alleged harasser is asked by the Victim or a third-party to stop his or her behavior and does not, a more serious sanction may be imposed. However, the victim does not have to request the behavior be stopped for the behavior to be considered sexual harassment.

## Examples of Unwanted Behavior that may constitute sexual harassment

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- Massaging a person's neck or shoulders
- Touching a person's clothing, hair, or body
- Hugging, kissing, patting, or stroking a person's body
- Making sexual gestures with hands or body movements, touching or rubbing oneself in a sexual manner around, or in the view of another person  
Brushing up against another person
- Tearing, pulling, or yanking a person's clothing
- Sexual flirtation, advances or propositions for sexual activity, or repeatedly asking for a date from a person who has indicated he or she is not interested
- Discussing or talking about sexual fantasies, preferences, or history
- Verbal abuse of a sexual nature

# Examples Continued:

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- Suggestive comments and sexually explicit jokes, or turning discussions at work or in academic or living settings to sexual topics when not legitimately related to an academic matter
- Stating, indicating, or implying in any manner that benefits will be gained or lost based in response to sexual advances
- Staring repeatedly at someone; repeatedly watching someone from afar
- Blocking another person's path or otherwise restricting their movements, particularly when in conjunction with other acts or comments
- Invading a person's personal body space, such as standing closer than appropriate
- Looking a person up and down in a suggestive or intimidating manner
- Making sounds such as smacking or licking lips, making kissing sounds, or whistling
- Letters, gifts, or materials of a sexual nature, including but not limited to typed or handwritten notes, email, instant messages, text messages, online postings, etc.



# Reporting Violations

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Sexual harassment does not need to be related to sexual or amorous behavior. Behavior based on gender stereotypes or derogatory comments based on sex, gender, gender identity, or sexual orientation may also constitute sexual harassment.

Sexual harassment is any unwelcome behavior of a sexual nature. It can be expressed in a variety of ways.

Please report any violations, issues or concerns to the Taylor County Sheriff's Office (850) 584-4225 , Perry Police Department: (850)584-5121 or the Taylor Technical Institute Assistant Director (850) 838-2545 ext.236

# Retaliation

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Retaliation is a violation of federal law and TTI regulation.

Retaliation is intimidating, threatening, coercing, or taking other negative action against someone because of her or his complaint or participation in a school or federal investigation related to sexual violence or other civil rights concerns.

Federal civil rights laws make it illegal to retaliate against an individual for speaking out against possible civil rights problems at school.

# Means of Retaliation:

- Suggestive or insulting sounds
- Whistling in a suggestive manner
- Humor and jokes about sex that denigrate men or women
- Sexual propositions, invitations or other pressure for sex
- Implied or overt threats
- Sexual innuendoes, comments or sexual remarks about clothing, body or sexual activities

Verbal



- Patting, pinching and any other inappropriate touching or feeling
- Brushing against the body
- Attempted or actual kissing or fondling
- Impeding or blocking movement
- Coerced sexual intercourse
- Assault

Physical



- Pictures or drawings of a sexual nature that denigrate men or women
- Written messages, letters, words, comments, or poems of a suggestive nature
- Screensavers and/or emails of a sexual nature
- Sexually suggestive objects
- Touching oneself sexually for others to view
- Making obscene gestures

Visual





# Bystander Intervention

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We can all help to maintain a community free of harassment, discrimination, and intimidation. The worst thing we can do is remain silent about sexual misconduct. If you've witnessed an incident, you're a bystander.

Bystanders can be active in a number of different ways. Whether it's interrupting a potentially risky situation, speaking out against something that doesn't appear right, or providing support to a victim after an incident, we all have a responsibility to each other.





# If you witness misconduct:

- Call the Perry Police Department immediately when you believe you are witnessing sexual misconduct (850)584-5121
- From a position of safety, call out to the harasser to stop.
- Casually introduce yourself to the harasser and allow the victim time to escape, if you can do so safely. If possible, ask others to approach the scene with you so that you outnumber the harasser.
- Note the exact location and appearance of the harasser.
- Take photos if you can.
- Be aware.
- Make detailed notes as soon as you can of what you saw and provide them to the police or the Lake Tech Dean of Enrollment.
- TAKE ACTION. DO NOT STAND BY AND DO NOTHING – *DO SOMETHING!*

# Risk Prevention Techniques from RAINN



With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network).

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cash money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

# Tips for escaping a potentially dangerous situation



1. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
2. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
3. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
4. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
5. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
6. If you or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.



# What should victims do first?

Anyone can be raped, regardless of gender identity, sexual orientation, race, age, etc. Rape is a traumatic event, and the survivor may experience a wide array of emotions, including fear, shock, confusion, disbelief, embarrassment, shame, guilt, and a tremendous sense of loss. These are all common reactions to what has happened.

## Getting Help

The single most important step a victim of sexual assault may take is to tell someone and get help, which could include talking with a family member, friend, partner, advocate, counselor, healthcare provider, or law enforcement officer.

If you have been subjected to sexual violence, domestic violence, sexual assault, and/or stalking:

1. Get to a safe place
2. Report the situation to someone in a position of authority or the police department immediately
3. Preserve all evidence of the offense
4. Request assistance for personal safety
5. Obtain order of protection or a no contact order
6. Take advantage of the services available from TTI through the Student Services Office
7. Request to speak anonymously with the Director of Guidance.



# Advocate

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An advocate may be contacted immediately after an assault, with or without reporting to the police.

An advocate can provide:

- All the options available to meet the needs of each unique individual, to include reporting or not reporting to the police, participating in a reporting or non-reporting forensic exam, reporting to student conduct, and other resources and services.
- Crisis intervention, to include safety planning and emotional support.
- Education about the traumatic experience and common reactions to victimization

**NATIONAL SEXUAL ASSAULT HOTLINE 800.656.HOPE (4673)**

The victim should also try to preserve evidence of the assault especially during the first 96 hours after the assault for possible investigation.



# Confidentiality

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All complaints of sexual harassment, whether filed informally or formally, shall be processed in a manner to protect the confidentiality of all parties in accordance with TTI's policy.

## FERPA Protected

This term means that information protected by the Family Educational Rights and Privacy Act (FERPA) will not be released without the student's permission. The outcome of any institutional disciplinary hearing, as a result of an allegation of a sexual offense, must be provided to both the accuser and the accused. Release of this information does not violate FERPA and is required by the Clery Act.



# Resources:

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[National Sexual Violence Resource Center](#)

[Men Can Stop Rape](#)

[Step Up! A Bystander Intervention Program](#)

[Florida Council Against Sexual Violence](#)

[Rape Crisis Hotline](#)

[Taylor County Refuge House](#)

# Questions?

