

1 Handed out at May 18, 2004 Meeting to assist small groups

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3
4 *Florida International University*

5 *Procedure Draft:*

6 *Sexual Offenses, Relationship Violence, Stalking and*

7 *Cyber-Stalking*

8
9
10 **I. Introduction**

11 This procedure document is established as a companion document to Florida International
12 University's Policy on Sexual Offenses, Relationship Violence, Stalking, and Cyber Stalking,
13 and is intended to provide guidance for the implementation of said policy and for the
14 coordination of the University's response. It is important that all violations of the Policy are
15 reported to appropriate authorities, including the law enforcement officials or agencies with
16 jurisdiction in the location of the incident.

17
18 **II. Procedures Related to Sexual offenses**

19
20 **A. Sexual Battery Definition:**

21 Sexual battery shall be defined as oral, anal, or vaginal penetration by, or union with, the sexual
22 organ of another or the anal or vaginal penetration of another with other objects. Sexual battery
23 occurs without a person's intelligent, knowing, and voluntary consent. Incidences of non-
24 consent can include the following circumstances: a victim is physically helpless (unconscious,
25 asleep, or physically unable to communicate his/her unwillingness), has been administered a

1 narcotic or intoxicant without his/her knowledge, or is coerced into submission through a
2 perceived or actual threat of force.

3 **B. Immediate Response**

4 1. Immediate Care and Treatment Procedures for the Victim

5 a. Victims of sexual offenses are strongly urged to go through the rape protocol exam for
6 medical attention and for the purpose of preserving important physical evidence of the assault,
7 regardless of whether the victim wishes to report the assault to law enforcement. This evidence
8 may be used if the victim chooses to pursue legal prosecution at a later date. It is important that
9 the protocol exam be completed as soon as possible; physical evidence can be obtained up to 72
10 hours after the assault. It is also possible that other evidence can be collected beyond this time.

11 To facilitate evidence collection, the victim:

- 12 • Should not bathe or douche.
- 13 • Should not urinate.
- 14 • Should not drink any liquids.
- 15 • If oral contact has occurred, the victim should not smoke, eat or brush teeth.
- 16 • If clothes are changed, soiled clothes should be placed in a paper bag (plastic destroys crucial
17 evidence).

18 c. Medical attention is crucial to assess possible internal injuries or sexually transmitted
19 diseases, as well as to collect medical evidence should the victim/survivor choose to pursue
20 prosecution. The police will be contacted by the hospital to take possession of evidence collected
21 while the victim/ survivor makes a decision about whether to pursue charges.

22 d. Whether or not a victim wishes to press charges, he/she may consider the option of being
23 treated at the Rape Treatment Center. The Jackson Memorial Hospital Rape Treatment Center

1 and the Broward Rape Treatment Center offer counseling, medical assistance, STD and
2 pregnancy testing, and evidence collection examinations free of charge. They can retain
3 evidence for several days while a victim decides if he/she wishes to pursue criminal charges.
4 The JMH hotline is 305-585-7273 and the Broward County hotline is 954-761-RAPE (7273).
5 If a victim chooses not to go to a hospital, the victim is strongly urged to seek appropriate
6 medical attention. The Health Care and Wellness Center (305) 348- provides students with
7 quality, confidential medical services, or a victim may choose to visit another physician.

8 e. University Police may transport the victim to an area hospital for medical attention and a
9 rape protocol exam. If the victim does not want to contact the police, a friend or relative may
10 transport the victim to the hospital. When the victim arrives at the emergency room, the hospital
11 will call Rape Treatment Center to assist the victim.

12 f. Victims of sexual offenses are encouraged to report the incident to law enforcement
13 agencies and contact the Victim Advocacy Center. An advocate from the Victim Advocacy
14 Center can provide emotional support, help the victim decide how to proceed, and
15 assist/accompany the victim for medical and/or other services. If the victim chooses, the Victim
16 Advocate can assist the victim throughout the criminal process and inform the victim of services
17 specifically available.

18 g. If an assault takes place on University Park Campus: contact University Police at: _____.

19 h. If an assault takes place on Biscayne Bay Campus, contact University Police at _____.

20 i. If an assault takes place off campus: contact area police at 911.

21 j. University Police may transport the victim to an area hospital for medical attention, or in
22 the event of a life threatening injury, the County emergency paramedics.

1 **C. Reporting**

2 a. All victims of sexual offenses are encouraged to report the incident to law enforcement
3 agencies. If a person is a victim of a sexual offense or attempted sexual offense, and wishes to
4 pursue criminal charges, he/she should either call Public Safety (University Police) at 305-348-
5 2626 or the local police department or emergency 911 if the incident occurred off-campus.

6 b. Victims are encouraged to contact the Victim Advocacy Center for assistance with
7 coordinating services, accessing resources, academic and other accommodations, and to help the
8 victim recover from the trauma, explore options, and consider how to preserve evidence if the
9 victim chooses to pursue legal prosecution at a later date. The FIU Victim Advocacy Center is
10 accessible 24 hours a day for crisis intervention, counseling, advocacy, information, and referral.
11 An advocate can be contacted by calling 305-348-3000.

12 c. A victim may also choose to file a report to the University's Office of Student Conduct
13 and Conflict Resolution if the assailant is a student. An explanation of this procedure can be
14 obtained in the Student Handbook, Conduct and Policies section. If the assailant is a staff or
15 faculty member, a victim/survivor may choose to file a report with the office of Equal
16 Opportunity Programs.

17 d. A victim can make a report anonymously to the Victim Advocacy Center at any time,
18 whether legal or disciplinary action is desired. This report provides University staff with
19 information about the crime that may be valuable in their efforts to prevent future crimes and
20 educate other students about high-risk areas or situations.

21 e. If the assault occurs in university housing, victims are also encouraged to contact
22 Residence Hall staff.

1 **D. Follow-Up and Recovery Services for the Victim**

2 a. Research has shown that follow-up counseling is of significant benefit to a victim of
3 sexual offenses and/or related trauma. This counseling may be initiated at any time after an
4 assault (from hours to years). On-or-off campus counseling and other services are available to a
5 student victim whether or not the crime was reported or prosecuted. FIU counseling and
6 Psychological Services offer counseling throughout the recovery process (to students who are
7 currently enrolled). Appointments can be made at UP by calling 305-348-2434, or at BBC by
8 calling 305-919-5305.

9 b. The Victim Advocacy Center provides confidential assistance to individuals who have
10 been victimized through threatened or actual violence and to promote the healing process. This
11 office can assist members of the University community with identifying resources for victims,
12 crisis intervention, university judicial and criminal justice processes, and providing educational
13 programs. Victim Advocacy Center staff can also assist in coordinating all other services listed
14 throughout this policy, eliminating the need for victims to make several phone calls. Services
15 are free of charge and available to F.I.U. students, faculty, staff, and university visitors. The
16 Victim Advocacy Center can be contacted at 305-348-1215 Monday through Friday between
17 8:30 a.m. and 5:00 pm., or by calling the 24-hour hotline: (305) 348-3000.

18 c. The Health Care and Wellness Center (305) 348- provides students with quality,
19 confidential medical services

20 **E. Victim's Rights**

21 Florida International University Student Code of Standards:

22 Victims' Rights—

23 Victims' rights apply to the following types of cases:

- 1 1. Sexual misconduct
- 2 2. Endangerment
- 3 3. Harassment
- 4 4. Stalking
- 5 5. Hazing

6 Rights:

- 7 1. To have an advisor of the alleged victim's choice accompany her/him when
8 presenting information to the hearing body and to any other relevant meetings held
9 throughout the disciplinary process
- 10 2. To submit a victim impact statement to her hearing body. This information will be
11 used only in the sanctioning phase of deliberations, if the charged student is found
12 responsible for the charge(s).
- 13 3. To have unrelated past behavior excluded from the hearing. The chair of the hearing
14 body will decide if such information is unrelated.
- 15 4. To submit questions to the hearing body. The hearing body will then consider posing
16 those questions to the charged student.
- 17 5. To testify in limited privacy, as long as the process does not compromise the charged
18 student's right to confront and question witnesses. The Director will make
19 determination for Student Conduct and Conflict Resolution in consultation with the
20 University Victim Advocate.
- 21 6. To be present throughout the entire hearing or portions thereof. Determination will
22 be made by the Director for Student Conduct and Conflict Resolution.
- 23 7. To be notified of the judicial hearing outcome and appeals outcome.

1 8. To appeal the hearing decision on the basis outlined in Section 13c, Victim's
2 Appellate Process.

3 *USC POLICY: Victims of sexual offenses who report their experience to University officials can*
4 *anticipate that:*

5 1. *All sexual offenses will be treated seriously.*

6 2. *Victims will be treated with dignity and respect and in a non-judgmental manner.*

7 3. *Campus organizations and services that can assist victims will be identified.*

8 4. *When a crime is reported to University officials, those officials will offer assistance in*
9 *notifying proper authorities.*

10 5. *When victims report and choose to pursue action against alleged assailants, assaults will be*
11 *investigated and adjudicated by appropriate criminal and/or University authorities.*

12 6. *University personnel will not discourage victims from reporting, nor encourage them to*
13 *under-report or report the incident as a lesser crime.*

14 7. *Victims may invite an advisor they choose to accompany them through University*
15 *disciplinary proceedings.*

16 8. *A victim will be notified of the outcome of related University discipline proceedings. The*
17 *victim and the charged student must respect the privacy of all involved.*

18 9. *University personnel will cooperate in obtaining, securing and maintaining evidence*
19 *(including a medical examination), necessary in legal proceedings.*

20 10. *Victims will be made aware of any State or Federal laws regarding mandatory testing of*
21 *sexual offenses suspects for communicable disease and whether these professionals can notify a*
22 *victim of the results of these tests.*

23 11. *Victims will be informed of mental health services available.*

1 12. Victims will be afforded the opportunity to request immediate on-campus housing
2 relocation, transfer of classes, or other steps to prevent unnecessary or unwanted contact or
3 proximity to an alleged assailant when reasonably available.

4 13. All students have the right to an environment free from sexual or physical intimidation, or
5 any continuing disruptive behavior, by persons sharing rooms or their guests, that would prevent
6 a reasonable person from attaining their educational goals. Disruptive behavior of this nature
7 should be reported to appropriate University staff, so it can be addressed.

8 14. The sexual history of the victim is not considered relevant to the truth of the allegation;
9 therefore, information regarding sexual history external to the relationship between the victim
10 and the alleged assailant will not be considered in discipline hearings.

11 **F. Follow-Up Services For Accused Party**

12 Follow-up counseling may be of significant benefit to an accused party. On-or off-campus
13 counseling and other services are available to an accused party whether or
14 Not the crime was reported or prosecuted.

15 The Counseling and Human Development Center is an on-campus resource that provides up
16 to 12 free counseling visits per year to students, and more visits on a fee-for-service basis. The
17 phone number is 777-5223.

18 Sexual Assault Services is located in the Lower Level of the Student Health Center. This office
19 will assist students in locating appropriate resources after an assault. The office also provides
20 education on the issues surrounding sexual offenses by offering presentations, a resource
21 library, and resource referral. The phone number is 777-8248.

1 *The Men's Resource Center is located at 2801 Devine Street, Suite 105. This office provides*
2 *individual and group counseling for men who abuse their partners, couples counseling and*
3 *community education and awareness. The phone number is 256-0468.*

4 *The Department of Housing and Judicial Programs is available to assist an accused party*
5 *with housing needs, such as relocation, etc. Trained professional staff can assist the accused*
6 *party in locating assistance and services needed. They can be reached at 777-2481.*

7 *The Office of Student Judicial Programs handles the investigation and resolution of discipline*
8 *complaints. The phone number is 777-4333.*

9 *South Carolina Bar Association, Lawyer Referral Service, can assist accused parties in*
10 *finding an attorney to represent them in civil and criminal proceedings.*

11 *The phone number is 1-800-868-2284 or 799-7100.*

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13 **G. Discipline Policies and Procedures for Accused Party**

14 *University disciplinary procedures should be considered distinct and independent of any and all*
15 *criminal procedures. Discipline procedures may precede, occur simultaneously, or follow and*
16 *consider the results of court action. When necessary, temporary action may be taken in the form*
17 *of summarily suspending, summarily restricting, or officially requesting no contact between the*
18 *victim and assailant, as well as possible relocation or removal from the residence halls, if*
19 *applicable. Any of these measures may result in a student's or staff or faculty member's*
20 *restricted participation in University events outside attendance of classes and appointments*
21 *related to the resolution of discipline matters.*

22 **H.1.** According to the Florida International University Student Code:

23 The charged student has the right to:

- 1 • Clear and complete notice of the Student Conduct Code charge and the allegations upon
2 which the charge is based.
- 3 • An opportunity to review all information in her/his judicial file prior to a hearing.
- 4 • An opportunity to present relevant evidence and information on his/her behalf, including
5 presenting witnesses and/or signed, written statements. Witnesses must be able to speak
6 to the incident in question only; character witnesses or witnesses to other incidents
7 outside the specific incident in question will not be allowed to testify at a hearing but may
8 provide a written statement. The names of all witnesses must be provided in writing to
9 the appropriate hearing body at least three (3) regular business days before the student
10 disciplinary proceeding.
- 11 • Cross examine witnesses as circumstances permit. Appropriate witnesses may be called
12 by the university to all formal hearings. Those witnesses who appear may be cross
13 examined by the charged student. If called witnesses do not appear, their written or taped
14 statements will be considered by the hearing body. Student witnesses, called by a hearing
15 body, who fail to appear at the hearing, will be charged with a violation of the Student
16 Conduct Code.
- 17 • Accompaniment by an advisor of the student's choice. The advisor may not serve as a
18 witness or represent the student before the hearing body; the student must speak for
19 himself/herself (For exemptions, see Section (18) Auxiliary Aids and Services).
- 20 • Not provide self-incriminating testimony. Choosing not to do so does not constitute an
21 admission of responsibility. However, absent such testimony, the hearing body may lend
22 more weight to written documents and testimony of witnesses. This protection from self-
23 incrimination does not extend to student or Greek organizations.

- 1 • Notification of the decision of the hearing in writing. All hearing decisions will be
2 communicate in writing (also verbally at the discretion for the hearing body) to the
3 charged student and will include the hearing decision, sanctions imposed (if applicable),
4 and the right to appeal
- 5 • Appeal the decision, in writing, within seven (7) calendar days of the receipt of the
6 hearing decision. See section (15), Appeals.
- 7 • If the charged student fails to appear at the scheduled hearing, the hearing will be held in
8 the student's absence.

9 **I.2.** *To begin discipline procedures, individuals thought to have relevant information or*
10 *testimony, including the accused party, will be contacted and interviewed by appropriate*
11 *University officials. If sufficient information is available to conclude there is reason to believe,*
12 *or “reasonable grounds” to do so, the University will issue charges from the general conduct*
13 *regulations and offer the accused party opportunity to choose from among three possible*
14 *hearing formats.*

15 *The accused party may choose a pre-hearing adjudication, in which the charged party or parties*
16 *accept responsibility for the charge(s) and request to have sanctions determined by a hearing*
17 *authority without a formal hearing.*

18 *Alternatively, the accused party may choose an administrative hearing, in which a University*
19 *official is authorized to consider testimony and act as hearing officer, deciding whether the*
20 *accused is responsible for the charge(s) as issued, and what the University response or sanction,*
21 *if indicated, should be.*

1 *Also available to charged students is a hearing before the Carolina Student Judicial Council, a*
2 *group of faculty, staff and students who are trained and authorized to conduct hearings to*
3 *determine responsibility and appropriate sanctions.*

4 *In each of these hearing formats, the burden of proof shall be on the University as the*
5 *complaining party. Decisions regarding responsibility of charges shall be based on a*
6 *“preponderance of evidence” standard, meaning responsibility does not have to be proven*
7 *beyond a shadow of doubt. The University need only demonstrate*
8 *that the charged student is more likely than not responsible for the charge(s).*

9 *In these investigative hearings, regardless of the format chosen, hearing officers or Judicial*
10 *Council members will not be restricted from testimony by technical rules of evidence. Charged*
11 *students are assured a right of access to a list of witnesses invited to testify, as well as an*
12 *opportunity to review all available physical and documentary evidence to be presented at the*
13 *hearing. In these informal, non-adversarial hearings, there is no formal cross examination.*

14 *Charged students are, however, entitled to question and rebut any evidence presented. In order*
15 *to conduct a fair, orderly hearing, reasonable accommodations may be made in hearing*
16 *procedures, such as indirect questioning, or special seating arrangements in the hearing room.*

17 *Both the charged student and the victim may be accompanied by an advisor of their choice and*
18 *remain present while all testimony is presented.*

19 *Should a hearing authority determine a student is responsible for the charges issued, it will ask*
20 *the Office of Student Judicial Programs personnel about the student’s disciplinary history, then*
21 *adjourn again to determine what sanctions are appropriate to the circumstances and individual.*

22 *The hearing officers will attempt to respond in a manner that best provides for the educational*
23 *goals of the process. Possible sanctions include permanent suspension, suspension for a period*

1 of time, suspension held in abeyance, disciplinary probation, restitution, an official warning, or
2 any combination of these. Conditions, restrictions or specific prohibitions may be issued
3 with or attached to any of these sanctions.

4 **J. EDUCATIONAL RESOURCES**

5 **K.1. THE TASK FORCE STATES:**

- 6 -Educate campus and local community regarding non-reporting victims
- 7 -Conduct workshops (everywhere)
- 8 -Develop small workshop with lesson plan for surrounding law
- 9 enforcement
- 10 Municipalities
- 11 -Distribute brochure
- 12 -FIU Website
- 13 -VAC with University Police
- 14 -UTS

15 **L.2.** *The following offices within ~~(South Carolina)~~ and the Columbia community provide a*
16 *variety of educational offerings. There are many videotapes, books, brochures, and periodicals*
17 *that are available for viewing and/or check-out. There are also several special events that take*
18 *place during the year that focus on sexual offenses and safety issues. Please see the following*
19 *list.*

- 20 • *Office Sexual Health & Violence Prevention, Lower Level, Student Health Center, 777-8248.*
- 21 • **Victim Advocacy Center, University Park Graham Center 195 A, 305-348-3000**
- 22 • *Health & Wellness Programs, Lower Level, Student Health Center, 777-8248.*
- 23 • **Health Care & Wellness Center, University Park, 305-348-2401**
- 24 **Biscayne Bay Campus, 305-919-5620**
- 25 • *Law Enforcement & Safety, 1501 Senate Street, 777-8400.*
- 26 • **University Police, University Park, 305-348-2626**
- 27 **Biscayne Bay Campus, 305-919-5559**

- 1 • *University Police Department, Corner of Wheat and Main Streets, 777-4215, or in*
2 *emergencies, 777-9111.*
- 3 • *Sexual Trauma Services of the Midlands, 2001-D Greene Street, 771-7273.*
- 4 • *Women Student Services, Lower Level, Russell House, 777-6688.*
- 5 • *Campus Rape Awareness, Student Organization, Russell House, 777-5780.*
- 6 • *Student Development and University Housing, 1215 Blossom Street, 777-4129.*
- 7 • *Counseling and Human Development Center, Byrnes Building, 7th Floor, 777-5223.*
- 8 • **Counseling and Psychological Services Center, University Park Graham Center**
9 **211, 305-348-2434**
10 **Biscayne Bay Campus, 305-919-5305**
- 11 • *Men’s Resource Center, 2801 Devine Street, Suite 105, 256-0468.*
- 12 • *Office of Alcohol and Drug Programs, Russell House, 2nd Floor, 777-6688.*
- 13 • *Office of Greek Life, Lower Level, Russell House, 777-5780.*
- 14 • **Campus Life/Greek Affairs, University Park Campus Graham Center 316 A, 305-**
15 **348-1120**
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2. RELATIONSHIP VIOLENCE

A. INTRODUCTION

B. RATIONALE

Relationship Violence Policy Statement Ranking				
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C. POLICY STATEMENT

As a matter of policy the faculty, staff and students that comprise the University community will not tolerate relationship violence.

D. DEFINITIONS

D.1. Preamble

Relationship Violence (also known as “intimate partner violence”), as used in this policy encompasses domestic violence as it has been traditionally conceived to include married couples, co-habiting couples and couples with children in common, and expands the range of relationships to include interpersonal violence between boyfriend/girlfriend, former intimate partners, and same sex relationships.

D.2. University Definition

FIU Student Code of Standards

Endangerment

- (1) Physical violence toward another person or group.
- (2) Action(s) that endanger the health, safety, or welfare of self or others.

1 (3) Interference with the freedom of another person or group to move
2 about in a lawful manner.

3 **D.2.(a) Alternative:** *For the purposes of this policy and related procedures, the term*
4 *“Relationship Violence” is defined as:*

5 (1) *Physical behavior (e.g. slapping, pulling hair, punching);*

6 (2) *Threats of abuse (e.g. threatening to hit, harm or use a weapon on another, or other forms of verbal abuse); and*

7 (3) *Emotional abuse (e.g. harassment) directed toward a current or former partner or spouse.*

8 *In publishing this policy the University does not intend to substitute or supersede related civil*
9 *and criminal law.*

10 *It should be clearly understood that there is a fundamental difference between the nature and*
11 *purpose of student discipline and criminal law. Regardless of the charge issued or procedures*
12 *employed, sanctions issued by the University can be expected to be consistent with the*
13 *educational mission of the institution.*

14 **D.3. FLORIDA STATUTE**

15 741.28 Florida Statute Domestic Violence; definitions

16 (NOTE: Statute will be inserted here)

17 784.046 Florida Statute Repeat Violence or Dating Violence

18 (NOTE: Statute will be inserted here)

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Relationship Violence Immediate Response Ranking				
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1 **E. IMMEDIATE RESPONSE**

2 **E.1.** Steps to ensuring safety:

3 If an assault takes place on University Park Campus:

4 contact University Police at _____.

5 If an assault takes place on Biscayne Bay Campus,

6 contact University Police at _____.

7 If an assault takes place off campus: contact area police at 911. University Police may

8 transport the victim to an area hospital for medical attention, or in the event of a life

9 threatening injury, the County emergency paramedics will respond.

10 If the victim does not want to contact the police and wants medical treatment, a friend or

11 relative may transport the student to the hospital. If a victim appears to need medical

12 attention, but chooses not to go to a hospital, the victim is strongly urged to seek

13 appropriate medical attention. The Health Care and Wellness Center on campus (305)

14 348- provides students quality, confidential medical services, or a victim may

15 choose to visit another physician.

16 An advocate from the Victim Advocacy Center may be called to accompany the victim. If

17 the victim chooses, the Victim Advocate typically assists the victim throughout the

18 criminal process and informs the victim of services specifically available to them.

19

20 Safety planning is an important process whether a victim chooses to remain with the

21 abusive partner or wishes to leave the relationship. Research has shown that risk

22 increases during the time immediately following separation. The Victim Advocacy

23 Center provides assistance with safety planning for individuals in abusive relationships.

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Relationship Violence Reporting Ranking				
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F. REPORTING

All victims of relationship violence are encouraged to report the incident to law enforcement agencies. Regardless of whether the victim chooses to immediately involve law enforcement officials, the victim is strongly urged to contact the Victim Advocacy Center for assistance with coordinating services, accessing resources, academic and other accommodations and to help the victim recover from the trauma, safety plan, explore options and consider how to preserve evidence if the victim chooses to pursue legal prosecution at a later date.

A victim/survivor may also choose to file a report to the University's Office of Student Conduct and Conflict Resolution if the accused person is a student. An explanation of this procedure can be obtained in the Student Handbook, Conduct and Policies section, or by calling ? or by seeking the assistance of the Victim Advocacy Center. *The discipline procedures are described in a separate section below and published in the Student Handbook.*

It is the policy of the institution to strongly encourage victims to report all incidents and violations to the law enforcement officials or agencies with appropriate jurisdiction and avail themselves of all the services and rights to which they are entitled by law.

Victims of relationship violence are encouraged to contact the Victim Advocacy Center. University personnel should always encourage victims to report and fully disclose incident(s) of relationship violence to the police, and seek services from the Victim Advocacy Center.

1 *According to FIU's Arrest Policy, students (faculty or staff) who are apprehended and charged*
2 *by law enforcement agencies with misdemeanor or felony domestic violence/dating violence*
3 *charges off campus are required to inform ?*

4 In addition, students, faculty or staff who have an Injunction Against Repeat Violence
5 and/or Stay Away Order issued against them by any Court are required to inform ? and
6 provide a copy of such order. Students, faculty or staff who have petitioned the court for
7 an Injunction Against Repeat Violence or on whose behalf a judge has issued a Stay
8 Away Order are encouraged to inform ? and provide a copy of such order.

9 Whether legal or disciplinary action is desired, an anonymous report may be filed, at
10 any time, with the Victim Advocacy Center. This report provides University staff with
11 information about the crime that may be valuable in their efforts to prevent future crimes
12 and educate other students about high risk situations.

13 University officials who have knowledge about relationship violence are encouraged to
14 file an anonymous report with the Victim Advocacy Center (305) 348-1215, in addition to
15 supporting the victim/survivor and referring that person to the Victim Advocacy Center.

16 Steps should be taken to preserve evidence victim makes a decision about whether to
17 pursue charges. Contact the Victim Advocacy Center (305) 348-1215 for guidance.

18 (NOTE: Consult with University Police about whether police can assist with evidence preservation when no report to
19 police has been made)

1 **G. FOLLOW-UP AND RECOVERY SERVICES FOR VICTIM**

2 **G.1.** Research has shown that follow-up counseling is of significant benefit to a victim
3 of trauma. This counseling may be initiated at any time after an assault (from hours to
4 years). On-or off-campus counseling and other services are available to a student victim
5 whether the crime was reported or prosecuted.

6 **G.2.** Psychological and Counseling Services Center is an on-campus resource located
7 XXXXXXXXXXXX The telephone number is (305) 348- . The Psychological and
8 Counseling Services Center offers.....

9 **G.3.** The Victim Advocacy Center is an on-campus resource for students, staff, faculty
10 and university visitors. The telephone number is: (305) 348-1215. The 24-hour hotline
11 number is: (305) 348-3000. This office can assist victims in locating appropriate
12 resources after an incident of relationship violence. This office can also assist in
13 coordinating all other services,(such as housing relocation, academic accommodation,
14 assistance with filing a complaint with Student Conduct and Conflict Resolution or Equal
15 Opportunity Program, obtaining a court ordered Injunction for Protection, accessing
16 community resources) eliminating the need for victims to make several phone calls.
17 The Victim Advocacy Center operates a 24-hour hotline (305) 348-3000. Services are
18 available free of charge to students, staff, faculty and university visitors. The office also
19 provides education to students, staff, and faculty on the issues surrounding victimization
20 by offering presentations, a resource library, and a resource referral.

21 *A Victim Advocacy Center Advocate can provide on-going support and assistance in pursuing*
22 *criminal prosecution and financial services provided by the state. The Advocate can also help*

1 *the victim/survivor contact and get assistance from the Victim Witness Assistance Program of the*
2 *Office of the State Attorney.*

3 **G.4.** *The Office of Student Conduct and Conflict Resolution can assist a victim with filing a*
4 *complaint regarding a violation of the Student Code of Conduct. The phone number is (305) 348-*
5 *3939.*

6 **G.5.** *The Miami Bar Association,(305) 371-2220, Legal Aid and Greater Miami Legal Services*
7 *can assist victims in finding an attorney to represent them in civil and criminal proceedings.*

8 **H. Victim's Bill of Rights**

9 **Florida International University Student Code of Standards:**

10 "Victim's Rights"

11 (a) Victims' rights apply to the following types of cases:

- 12 1. Sexual Misconduct
- 13 2. Endangerment
- 14 3. Harassment
- 15 4. Stalking
- 16 5. Hazing

17 (b) Rights

- 18 1. To have an advisor of the alleged victim's choice accompany
19 her/him when presenting information to the hearing body and to
20 any other relevant meetings held throughout the disciplinary
21 process.
- 22 2. To submit a victim impact statement to the hearing body. This
23 information will be used only in the sanctioning phase of

1 deliberation, if the charge student is found responsible for the
2 charge(s).

3 3. To have unrelated past behavior excluded from the hearing. The
4 chair of the hearing body will decide if such information is
5 unrelated.

6 4. To submit question to the hearing body. The hearing body will
7 then consider posing those questions to the charged student.

8 5. To testify in limited privacy, as long as the process does not
9 compromise the charged student's right to confront and question
10 witnesses. Determination will be made by the Director for Student
11 Conduct and Conflict Resolution in consultation with the
12 University Victim Advocate.

13 **H.5(a) Alternative**

14 *Victims can request and receive accommodation at judicial and other campus proceedings to*
15 *ensure that contact with the accused student is avoided. Accommodations may include, but are*
16 *not limited to: partitions and telephonic participation.*

17 6. To be present throughout the entire hearing, or portions thereof.
18 Determinations will be made by the Director for Student Conduct
19 and Conflict Resolution.

20 7. To be notified of the judicial hearing outcome and appeals
21 outcome.

22 8. To appeal the hearing decision on the basis outlined in the
23 Student Handbook, in Section 13c, Victim's Appellate Process.

1 *Victim's Bill of Rights*

2
3 *All students have the right to an environment free from physical assault, emotional abuse,*
4 *sexual intimidation, or any behaviors that interfere with students attaining their educational*
5 *goals.*

6 *In keeping with spirit of the State of South Carolina's Act 141: Victim and Witness Services,*
7 *victims of relationship violence who report their experience to University officials can anticipate*
8 *that . . .*

9 *University personnel will treat all incidents of relationship violence seriously.*

10 *Victims will be treated with dignity and respect.*

11 *Victims will be treated in a non-judgmental manner.*

12 *Campus organizations and services that can assist victims will be identified. When a crime is*
13 *reported to University officials, those officials will offer assistance in notifying proper*
14 *authorities.*

15 *In a student judicial hearing, the University brings allegations against the accused, and the*
16 *victim assumes the role of a witness to the allegations.*

17 *When a victim reports an incident of relationship violence and action is pursued against the*
18 *alleged assailant, the incident will be investigated and adjudicated by appropriate criminal*
19 *and/or University authorities.*

20 *Victims have the choice to have an advocate accompany them through University disciplinary*
21 *proceedings.*

22 *A victim will be notified of the progress of the case, including initial contact with the alleged*
23 *assailant and outcomes related to University discipline*

1 *proceedings. Concerning these outcomes, the victim and charged student must respect the*
2 *privacy rights of all involved.*

3 *University personnel will cooperate in obtaining, securing and maintaining evidence (including*
4 *a medical examination), necessary in legal proceedings.*

5 *Victims will be informed of counseling services available.*

6 *Victims can request immediate on-campus housing relocation, transfer of classes, or other steps*
7 *to prevent unnecessary or unwanted contact or proximity to*
8 *an alleged assailant. When possible, requests will be accommodated.*

9 *All students have the right to an environment free from physical assault, emotional abuse, sexual*
10 *intimidation, or any behaviors that interfere with students attaining their educational goals.*

11 **I. FOLLOW-UP SERVICES FOR ACCUSED PARTY**

12 ***I.1.*** *Follow-up counseling may be of significant benefit to an accused party. On-or off-campus*
13 *counseling and other services are available to an accused party whether or not the crime was*
14 *reported or prosecuted.*

15 ***I.2.*** *The Counseling and Psychological Services Center is an on-campus resource that*
16 *provides...*

17 *The phone number is (305) 348-2434, University Park Campus*

18 *(305) 919-5305, Biscayne Bay Campus*

19 ***I.3.*** *The Family and Victim Services Center is located at XXXXXXXXX. This office*
20 *provides individual and group counseling for men who abuse their intimate partners.*

21 *The phone number is XXXXX*

22

1 **I.4.** *Housing and Residential Life is available to assist an accused party with housing needs,*
2 *such as relocation, etc. Trained professional staff can assist the accused party in locating*
3 *assistance and services needed. They can be reached at_____.*

4 **I.5.** *The Office of Student Conduct and Conflict Resolution ~~handles the investigation and~~*
5 *resolution of discipline complaints. The phone number is (305) 348-3939*

6 **I. 6.** *The Miami Bar Association, (305) Legal Aid (305) and Greater Miami Legal*
7 *Services (305) can assist victims in finding an attorney to represent them in civil and*
8 *criminal proceedings.*

9 **J. Discipline Policies and Procedures for Accused Party**

10 **J.1.** *The use of alcohol and other drugs in conjunction with an incident of relationship violence*
11 *does not mitigate accountability for the commission of these acts or diminish the seriousness of*
12 *the offense.*

13 *The University may bring disciplinary action against the student, staff or faculty for the same*
14 *incident if the alleged conduct is prohibited by the institution and/or if it is judged to be adverse*
15 *to the recognized mission of the institution. University disciplinary procedures should be*
16 *considered distinct and independent of any and all criminal procedures. Discipline procedures*
17 *may precede, occur simultaneously, or follow and consider the results of court action. When*
18 *necessary, temporary action may be taken in the form of summarily suspending, summarily*
19 *restricting, or officially requesting no contact between the victim and assailant, as well as*
20 *possible relocation or removal from the residence halls, if applicable. Any of these measures*
21 *may result in a student's, staff's or faculty member's restricted participation in University*
22 *events outside attendance of classes and appointments related to the resolution of discipline*
23 *matters.*

1 *To begin discipline procedures, individuals thought to have relevant information or testimony,*
2 *including the accused party, will be contacted and interviewed by appropriate University*
3 *officials. If sufficient information is available to conclude there is reason to believe, or*
4 *“reasonable grounds” to do so, the University will issue charges from the general conduct*
5 *regulations and offer the accused party opportunity to choose from among three possible*
6 *hearing formats.*

7 *The accused party may choose a pre-hearing adjudication, in which the charged party or parties*
8 *accept responsibility for the charge(s) and request to have sanctions determined by a hearing*
9 *authority without a formal hearing.*

10 *Alternatively, the accused party may choose an administrative hearing, in which a University*
11 *official is authorized to consider testimony and act as hearing officer,*
12 *deciding whether the accused is responsible for the charge(s) as issued, and what the University*
13 *response or sanction, if indicated, should be.*

14 *Also available to charged students is a hearing before the FIU Student Judicial Council, a group*
15 *of faculty, staff and students who are trained and authorized to conduct hearings to determine*
16 *responsibility and appropriate sanctions.*

17 *In each of these hearing formats, the burden of proof shall be on the University as the*
18 *complaining party. Decisions regarding responsibility of charges shall be based on a*
19 *“preponderance of evidence” standard, meaning responsibility does not have to be proven*
20 *beyond a shadow of doubt. The University need only demonstrate that the charged student is*
21 *more likely than not responsible for the charge(s).*

22 *In these investigative hearings, regardless of the format chosen, hearing officers or Judicial*
23 *Council members will not be restricted from testimony by technical rules of evidence. Charged*

1 *students are assured a right of access to a list of witnesses invited to testify, as well as an*
2 *opportunity to review all available physical and documentary evidence to be presented at the*
3 *hearing. In these informal, non-adversarial hearings, there is no formal cross examination.*
4 *Charged students are, however, entitled to question and rebut any evidence presented. In order*
5 *to conduct a fair, orderly hearing, reasonable accommodations may be made in hearing*
6 *procedures, such as indirect questioning, or special seating arrangements in the hearing room.*
7 *Both the charged student and the victim may be accompanied by an advisor of their choice and*
8 *remain present while all testimony is presented.*
9 *Should a hearing authority determine a student is responsible for the charges issued, it will ask*
10 *the Office of Student Judicial Programs personnel about the student's disciplinary history, then*
11 *adjourn again to determine what sanctions are appropriate to the circumstances and individual.*
12 *The hearing officers will attempt to respond in a manner that best provides for the educational*
13 *goals of the process. Possible sanctions include permanent suspension, suspension for a period*
14 *of time, suspension held in abeyance, disciplinary probation, restitution, an official warning, or*
15 *any combination of these. Conditions, restrictions or specific prohibitions may be issued with or*
16 *attached to any of these sanctions.*

17 **K. EDUCATIONAL RESOURCES**

18 *The following offices within Florida International University and the Miami community provide*
19 *a variety of educational offerings. There are many videotapes, books, brochures, and periodicals*
20 *that are available for viewing and/or check-out. There are also several special events that take*
21 *place during the year that focus on relationship violence and safety issues. Please see the*
22 *following list.*

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Stalking Overall Ranking				
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3. STALKING

A. INTRODUCTION

While legal definitions of stalking vary from one jurisdiction to another, stalking generally refers to a course of conduct that involves a broad range of behavior directed at the victim. The conduct can be as varied as the stalker’s imagination and ability to take actions that harass, frighten, threaten and/or force himself or herself into the life and consciousness of the victim.¹

¹adapted from US Dept. of Justice 2001, “Report to Congress on Stalking”

B. RATIONALE

Annually, 1,006,970 women and 370,990 men are stalked in the United States.² The impact of stalking on the victim can be profound; the prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among stalking victims than the general population, especially if the stalking has involved being followed or having one’s property destroyed.³ When stalkers are also former intimate partners, their victims are often verbally threatened with physical violence (73%), and many (46%) actually suffer one or more violent incidents by the stalker and some (31%) are also sexually assaulted by that former partner.² In order to provide for the coordination of the University’s response and to provide for the needs and care of victims, as well as to enforce the behavior standards critical to the University’s mission, it is important that all

1 violations of this policy are reported to appropriate authorities, including law
2 enforcement officials or agencies with jurisdiction in the location of the incident.

3 ²Tjaden & Thoennes, 1998, "Stalking in America," NIJ.

4 ³Blauus, et al. 2002, "The Toll of Stalking," J.Interpersonal Viol.

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6 **C. POLICY STATEMENT**

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8 As a matter of policy, stalking will not be tolerated in the University community.

9 **D. DEFINITIONS**

10 **D.1. University Definition**

11 *For the purposes of this policy and related procedures, the following definitions apply.*

12 **FIU Student Code of Standards:**

13 **Harassment**

14 (1) Conduct, not of a sexual nature, (including, but not limited to, physical contact,
15 verbal, graphic, written or electronic communication) that creates an intimidating,
16 hostile, or offensive environment for another person or group.

17 (2) Conduct, not of a sexual nature, (including, but not limited to, physical contact,
18 verbal, graphic, written or electronic communication) threat threatens, harms or
19 intimidates another person or group.

20 **Stalking:**

21 (1) Stalking is defined as activities occurring on more than one occasion that
22 collectively instill fear in the victim and/or threaten his or her safety, mental
23 health, or physical health. Such behaviors and activities may include, but are not
24 limited to, the following:

- 25 ■ Nonconsensual communication, including face-to face, telephone calls, voice
26 messages, electronic mail, written letters/notes, unwanted gifts.

- 1 ▪ Threatening or obscene gestures
- 2 ▪ Pursuing or following
- 3 ▪ Surveillance or other types of observation
- 4 ▪ Trespassing
- 5 ▪ Vandalism
- 6 ▪ Nonconsensual touching
- 7 ▪ Contacting a person after a sanction prohibiting contact with that person. This
- 8 includes verbal, written or third party communication, or physical contact.

9 (2) Other violations of stalking laws as outlined in Section 784.048 Florida Statutes

10 **D.2.(a) Alternative:** *Also addressed by this policy is STALKING which is defined as a pattern*
11 *of conduct that is intended to cause or does cause a person to fear:*

12 *(1) Death or death of others important to that person;*

13 *(2) Assault or assault of others important to that person;*

14 *(3) Bodily injury or bodily injury of others important to that person;*

15 *(4) Sexual assault or sexual assault of others important to that person;*

16 *(5) Involuntary restraint or involuntary restraint of others important to that person;*

17 *(6) Damage to property or damage to property of others important to that person;*

18 *(7) Confinement or confinement of others important to that person,*

19 *(8) Threats of harassment via electronic devices (e.g. e-mail, phone, fax). The relationship*
20 *between the perpetrator and the victim may be a current or former partner or spouse, dating*
21 *relationship acquaintance, or stranger.*

22 *Stalking (S.C. state statute)*

1 **D.2. 784.048 Florida Statutes, Stalking; definitions; penalties**

2 (Florida Statute will be inserted here)

3 *According to FIU's Arrest Policy, students (faculty or staff) who are apprehended and charged*
4 *by law enforcement agencies with misdemeanor or felony stalking charges off campus are*
5 *required to inform ? In addition, students, faculty or staff who have an Injunction Against*
6 *Repeat Violence and/or Stay Away Order issued against them by any Court are*
7 *required to inform ? and provide a copy of such order. Students, faculty or staff who*
8 *have petitioned the court for an Injunction Against Repeat Violence or on whose behalf*
9 *a judge has issued a Stay Away Order are encouraged to inform? and provide a copy of*
10 *such order.*

11 *The University may bring disciplinary action against the student for the same incident if the*
12 *alleged conduct is prohibited by the institution and/or if it is judged to be adverse to the*
13 *recognized mission of the institution. University disciplinary procedures should be considered*
14 *distinct and independent of any and all criminal procedures. Discipline procedures may precede,*
15 *occur simultaneously, or follow and consider the results of court action. When necessary,*
16 *temporary action may be taken in the form of summarily suspending, summarily restricting, or*
17 *officially requesting no contact between the victim and assailant, as well as possible relocation*
18 *or removal from the residence halls. Any of these measures may result in a student's restricted*
19 *participation in University events outside attendance of classes and appointments related to the*
20 *resolution of discipline matters.*

21 *[South Carolina policy includes: The law describes the punishment associated with a stalking*
22 *conviction. Stalking can be charged as a Class B misdemeanor with punishment of a fine not*
23 *more than \$500 and imprisonment of not more than 30 days. Additionally, anyone convicted of*

1 *two violations must be fined not more than \$3,000 and imprisoned not more than 3 years, or*
2 *both. Stalking can range from a Class B misdemeanor to a Class D felony with punishment of a*
3 *fine not to exceed \$1,000 and imprisonment of not more than 1 year to a fine of \$10,000 and*
4 *imprisonment of up to 15 years.]*

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Stalking Immediate Response Ranking				
5	4	3	2	1

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8 **E. Immediate Response**

9 E.1. Victims of stalking are encouraged to report the incident to law enforcement
10 agencies and contact the Victim Advocacy Center. University personnel should always
11 encourage victims to report incident(s) of stalking to the police and seek assistance
12 from the Victim Advocacy Center.

13 E.2. Preserving Evidence

14 Victims of stalking should take action to preserve any evidence such as emails or other
15 written correspondence, voice recordings or other messages, even if they do not wish to
16 take any action at the time of the incident(s). In addition, victims should keep a log of
17 incidents including time, date, place and witnesses, even if they do not wish to take any
18 action at the time the incident(s) occur. This is important since stalking is a pattern of
19 behavior over time, and any future events must be viewed in the context of prior events.

20 E.3. The Victim Advocacy Center can assist members of the University community in
21 coordination with University Police, in determining whether an incident or incidents
22 constitute stalking, how to maintain a log and preserve evidence, how to make a no-
23 contact statement, safety planning, and considering available options.

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Stalking Reporting Ranking				
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F. REPORTING

F.1. Victims of stalking are encouraged to report the incident to law enforcement agencies and contact the Victim Advocacy Center.

F.2. University personnel should always encourage victims to report incident(s) of stalking to the police and seek assistance from the Victim Advocacy Center, *given the potential harm to persons, violations of community standards, and the need to monitor the campus climate.*

F.3 *Any member of the university community may file an anonymous report that does not identify the parties involved with the Victim Advocacy Center. This report may be filed regardless of any legal or university disciplinary action. This report provides University staff with information about the incident that may be valuable to their efforts to prevent future incidents and to educate students and others about high-risk situations. Members of the university community who have knowledge about a stalking situation are encouraged to file a report with the Victim Advocacy Center, even if they opt not to identify the parties involved.*

F.4. A victim may also choose to file a report with the University’s office of Student Conduct and Conflict Resolution if the accused stalker is a student. An explanation of this procedure can be obtained in the FIU Student Handbook under “Conduct and Policies,” or contacting the office of Student Conduct and Conflict Resolution.

F.5. If the accused stalker is a University staff or faculty member, a complaint can be made to the FIU office of Equal Opportunity Programs.

1 **G. Follow-up and Recovery Services for Victims**

2 *Research has shown that follow-up counseling is of significant benefit to a victim of trauma. This*
3 *counseling may be initiated at any time after an assault (from hours to years). On- or off-campus*
4 *counseling and other services are available to a student victim whether the crime was reported*
5 *or prosecuted.*

6 G. 1. Psychological and Counseling Services Center is an on-campus resource located
7 XXXXXXXXXXXXX The telephone number is (305) 348- The Psychological and
8 Counseling Services Center offers.....

9 G.2. The Victim Advocacy Center is an on-campus resource for students, staff, faculty
10 and university visitors. All services are confidential, voluntary, and free of charge. The
11 telephone number is: (305) 348-1215. The 24-hour hotline number is: (305) 348-3000.
12 This office can assist victims by informing them of available options and in supporting
13 them as they proceed with whatever course of action they choose. The Victim
14 Advocacy Center advocates provide crisis intervention and emotional support to victims,
15 their relatives and friends. Among the additional services provided by the Center are:
16 assistance with locating appropriate resources and in coordinating all other services,
17 (such as housing relocation, academic accommodation, assistance with making a police
18 report, if desired, and/or help with filing a complaint with Student Conduct and Conflict
19 Resolution or Equal Opportunity Program, obtaining a court ordered Injunction for
20 Protection, accessing community resources), eliminating the need for victims to make
21 several phone calls.

1 The office also provides education to students, staff, and faculty on the issues
2 surrounding victimization by offering presentations, a resource library, and a resource
3 referral.

4 A Victim Advocacy Center Advocate can provide on-going support and assistance in
5 pursuing criminal prosecution and financial services provided by the state. The
6 Advocate can also help the victim contact and get assistance from the Victim Witness
7 Assistance of the Office of the State Attorney.

8 G.3. *The Office of Student Conduct and Conflict Resolution can assist a victim with filing a*
9 *complaint regarding a violation of the Student Code of Conduct. The phone number is (305) 348-*
10 *3939.*

11 G.4. *The Miami Bar Association, Legal Aid and Greater Miami Legal Services can assist*
12 *victims in finding an attorney to represent them in civil and criminal proceedings.*

13 **H. Victim's Bill of Rights**

14 **Florida International University Student Code of Standards:**

15 "Victim's Rights"

16 (c) Victims' rights apply to the following types of cases:

- 17 1. Sexual Misconduct
- 18 2. Endangerment
- 19 3. Harassment
- 20 4. Stalking
- 21 5. Hazing

22 (d) Rights

- 1 1. To have an advisor of the alleged victim's choice accompany
2 her/him when presenting information to the hearing body and to
3 any other relevant meetings held throughout the disciplinary
4 process.
- 5 2. To submit a victim impact statement to the hearing body. This
6 information will be used only in the sanctioning phase of
7 deliberation, if the charge student is found responsible for the
8 charge(s).
- 9 3. To have unrelated past behavior excluded from the hearing. The
10 chair of the hearing body will decide if such information is
11 unrelated.
- 12 4. To submit question to the hearing body. The hearing body will
13 then consider posing those questions to the charged student.
- 14 5. To testify in limited privacy, as long as the process does not
15 compromise the charged student's right to confront and question
16 witnesses. Determination will be made by the Director for Student
17 Conduct and Conflict Resolution in consultation with the
18 University Victim Advocate.

19 **H5(a)** *Alternative: Victims can request and receive accommodation at judicial and other*
20 *campus proceedings to ensure that contact with the accused student is avoided.*
21 *Accommodations may include, but are not limited to: partitions and telephonic participation.*

- 1 6. To be present throughout the entire hearing, or portions thereof.
2 Determinations will be made by the Director for Student Conduct
3 and Conflict Resolution.
4 7. To be notified of the judicial hearing outcome and appeals
5 outcome.
6 8. To appeal the hearing decision on the basis outlined in the
7 Student Handbook, in Section 13c, Victim’s Appellate Process.

8 *All students have the right to an environment free from physical assault, emotional abuse,*
9 *sexual intimidation, or any behaviors that interfere with students attaining their educational*
10 *goals.*

11 **I. FOLLOW-UP SERVICES FOR ACCUSED PARTY**

12 **I.1.** *Follow-up counseling may be of significant benefit to an accused party. On-or off-campus*
13 *counseling and other services are available to an accused party whether or not the crime was*
14 *reported or prosecuted.*

15 (See Relationship Violence for language in this section)

16 **J. Discipline Policies and Procedures for Accused Party**

17 (See Relationship Violence for language in this section)

18 **K. EDUCATIONAL RESOURCES**

19 *The following offices within Florida International University and the Miami community provide*
20 *a variety of educational offerings. There are many videotapes, books, brochures, and periodicals*
21 *that are available for viewing and/or check-out. There are also several special events that take*
22 *place during the year that focus on relationship violence and safety issues. Please see the*
23 *following list.*

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Computer Facilitated Victimization Overall Policy Ranking				
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4. COMPUTER FACILITATED VICTIMIZATION

A. INTRODUCTION

The Task Force addressed "Computer Facilitated Victimization Issues", emphasizing the following issues that needed to be addressed:

- How do we identify the person making the threats?
- Who collects the evidence?
- How do we deal with individuals who can "hack" into the system?
- Computer infrastructure
- Create policies for students
- Tapping into current resource re: cyber crimes
- Procedures to effectuate (look at current software)

B. RATIONALE

According to the "Statement of Philosophy" found in the Student Code of Standards: as an academic community, Florida International University fosters the intellectual exchange of ideas, knowledge, and experience. It is the responsibility of the University to provide a stimulating environment in which scholarship and personal growth may

1 occur. The desired effect is that students will take advantage of their environment to
2 develop intellectually as well as participate as responsible, contributing citizens. The
3 uniqueness of the academic community requires particular sensitivity to the individual
4 rights of students and to the maintenance of a safe environment for study, recreation,
5 and personal growth. The rights of the community, as well as those of individuals, must
6 be protected. Given the uniqueness of the university community it is crucial to define,
7 understand and specifically address the misuse and abuse of information and
8 equipment to perpetrate violence in this community.

9 In a campus environment stalking (computer facilitated victimization) can be a difficult
10 behavior to identify, define and contend with. Many of the aspects that enhance
11 campus life can aid the perpetrator. For example, the campus is a closed environment
12 where a student's personal information such as their class schedule can be easily
13 ascertained. In addition, student movement on campus can sometimes be predictable,
14 with open access to residences and academic buildings being encouraged. Often times
15 the students contact information is not kept secure or is made public through directories.
16 This (campus) environment contains one of the largest groups of Internet users and, as
17 a result this population is vulnerable to the stalking activity (computer facilitated
18 victimization) that has become commonplace in cyberspace. It has been noted that e-
19 mail is the most common forum in which stalking and harassment begins. It is important
20 to remember; that the way the harassment begins isn't always the forum via which the
21 victim first encountered the harasser.

22 In addition, stalkers (perpetrators) may pose as the victim online in order to incite
23 others to harass and threaten the victim. For example, a stalker may use the victim's

1 identity in a chat room and tell others in the room 'I enjoy rape fantasies' and then
2 provide the victim's home address. Online stalking (computer facilitated victimization /
3 cyber crime) may lead to other forms of victimization; this behavior must be taken
4 seriously. Many forms of computer-facilitated victimization including cyber stalking and
5 video voyeurism can be illegal and are frightening for victims.

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Computer Facilitated Victimization Policy Statement Ranking				
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10 **C. POLICY STATEMENT**

11 As a matter of policy, computer facilitated victimization (cyber stalking) will
12 not be tolerated in the University community.

13 **D. DEFINITIONS**

14 **D.1.** Computer facilitated victimization:(Also known as on-line harassment or
15 electronic stalking.)

16 This form of stalking involves offensive, threatening communication through the
17 Internet, via e-mail, chat rooms, or instant messaging or through other electronic
18 means, such as cellular telephones or pagers. (computer facilitated victimization can
19 easily be disguised if the person adopts) Cyber stalkers easily disguise themselves by
20 adopting several false identities and then harass the target thorough unsolicited e-mails,
21 disturbing private or public messages on bulletin boards or in chat rooms, and
22 communiqués of actual threats of harm. *According to a guide on Campus Stalking
23 (published in July 2002 by California Coalition Against Sexual Assault- CALCASA)

1 This type of stalking is methodical, deliberate, and persistent communication that
2 disturbs the recipient. It is equally as serious as conventional stalking and is included in
3 most statutes addressing stalking.

4 **D.2. University Definition**

5 University Definitions: Florida International University's Student Code of Standards
6 provides specific guidelines for "Computer Misuse"

- 7 1. Unauthorized access, entry or use of a computer, computer system, network,
8 software, password, account or data.
- 9 2. Unauthorized alteration or degradation of computer equipment, software, network
10 data or system performance.
- 11 3. Unauthorized copying or distribution of computer software or data.
- 12 4. Unauthorized use of University computer resources for commercial purposes or
13 personal financial or other gain. This includes, but is not limited to, advertising a
14 product or service on personal Web pages, fund-raising or advertising on behalf of
15 unsanctioned non-University organizations, publicizing or unsanctioned non-
16 University activities, the reselling of University resources to any non-University
17 individuals or organizations, and the unauthorized use of the University's name
18 or logos. Use of the University's network for any of these purposes, even if the
19 user is using his or her own personal computer, constitutes an offense.
- 20 5. Any other violation of the University computer use and web page policies. The
21 complete policies are available at
22 <http://www.fiu.edu/provost/polman/sec11web.htm>

1 **D.3. Florida Statute**

2 According to recent information printed in the WHOA (working to halt on-line abuse)
3 newsletter (March 17, 2003) ‘Cyber stalking’ may be a crime. A measure adding
4 harassment by computer to the state’s stalking law was approved unanimously by the
5 House Public Safety and Crime Prevention Committee. The bill (HB 479) sponsored by
6 Rep. John Stargel, R-Lakeland, creates the crime of “cyber stalking,” or threatening or
7 harassing someone over the Internet, by instant –messaging system or e-mail. People
8 who send threatening e-mails “exact the same fear.. and harassment that physical
9 stalking does,” Stargel said. The bill next goes to the House Judiciary Committee. A
10 similar measure (SB 82) is filed in the Senate.

11 Additional information about the Senate and House bills (SB 82 & HB 479) appeared in
12 the Sun-Sentinel on April 8, 2003 “there is hope that the Florida Legislature will pass a
13 bill that would outlaw cyber stalking, adding the crime to an existing stalking and
14 aggravated stalking law. The law would allow courts to punish people found guilty on
15 first-degree misdemeanor or third-degree felony cyber stalking charges, depending on
16 the severity of the crime.

17 Most states have made stalking illegal, and about half have laws specifically prohibiting
18 cyber stalking, according to the Florida Information Service Technology Development
19 Task force.

20 ...a bill sponsored by Sen. Steven Geller, D-Hallandale Beach, and Rep. John Stargel,
21 R-Lakeland, that makes it illegal to use e-mail or any electronic communication to cause
22 “substantial emotional distress.” The bills (SB 82 and Hb479) also expand the current
23 stalking law by including a person’s immediate family members as targets of threats.

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Computer Facilitated Immediate Response Ranking				
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E. IMMEDIATE RESPONSE

E.1. As a matter of policy we plan to develop education and awareness of cyber crimes program(s) for our "user" community, which is comprised of students, faculty, and staff.

E.2. Future training(s) will be offered in coordination with Human Resources, peer education programs, University Technology Services and University Police in order to further develop technology infrastructure to facilitate security and evidence gathering.

E.3. Steps will be taken by the policy and implementation / oversight committee to further develop and support technology infrastructure to facilitate security and evidence gathering. Although funding sources are not yet clear, this effort will be lead by the university Information Technology Security Officer in coordination with the University Police. Periodically, technology tools to facilitate security (prevention and gathering of

1 evidence), including the implementation of password change requirements and
2 authentication tools, will be reviewed and updated. Additional priorities/factors that
3 have been recognized in successfully establishing infrastructure, for the purpose of the
4 development of technology infrastructure to facilitate security and evidence gathering
5 are listed below:

- 6 ▪ Firewalls
- 7 ▪ Protection of student information system
- 8 ▪ Network security
- 9 ▪ Prevent hackers
- 10 ▪ Tracking use of "I.P.'s"
- 11 ▪ Centralized technical staff- University Technology Services
- 12 ▪ Decentralized technical staff - Information technology representatives in colleges
13 and Departments, and Residential / Housing staff.
- 14 ▪ Implementation and evaluation of the infrastructure
- 15 ▪ Continuous improvement and up to date information

16 **E.4.** In order to effectively proceed with the development of policies for addressing the
17 process and procedure for handling potential cyber crimes, Florida International
18 University (has hired / is in the process of hiring) an Information Technology Security
19 Officer. (It will be important to have) collaboration between the University Police and
20 the University Technology Services departments.

21 **E.5.** A cyber crimes task force (should be) designated and set up with a clearly defined
22 scope.

23

1 **E.6.** When handling potential cyber crimes, (a goal that has been identified) is to
2 consult with local/state/federal resources (example InfraGuard)

3 **E.7.** Continuous evaluation of policies (note: which polices and what is continuous?)

4 **ENSURING SAFETY**

5 Unfortunately, the very nature of online crimes means that it is difficult to ascertain
6 reliable information regarding the harassers.

7 Since cyber stalking and online harassment are still considered fairly new, many of the
8 interventions are modeled around the traditional approach to stalking interventions.

9 These measures can include:

- 10 Send a no contact order to the stalker
- 11 Tell the harasser to stop: Generally, it is important to advise victims not to
12 communicate with a harasser. However, Working to Halt On-line Abuse
13 (WHO@), an on-line resource for victims of cyber stalking, suggests that the
14 victim make one contact to tell the harasser “Do not contact me in any way in the
15 future.” The victim may want to send a copy of the message to the abuse
16 department of the harasser’s Internet Service Provider, but should make no
17 future contact.
- 18 Notify the police of all incidents
- 19 Notify law enforcement of the threats
- 20 Complain to the appropriate parties: if you are being harassed via email,
21 complain to the sender’s ISP and any email service used to send the messages.
22 Harassment in a chat room or harassment via a web site about someone) should
23 be reported to the server. If you are harassed on any kind of instant messaging

1 service, read the terms of service and harassment policies they've provided and
2 use any contact address given there.

- 3 Vary routes of travel
- 4 Use caller ID or a cell phone
- 5 Obtain a post office box
- 6 Have the registrar put a hold on all personal information
- 7 Save all physical evidence
- 8 Keep accurate logs of incidents
- 9 Save all communications: it is very important that the person being harassed
10 save all communication from the harasser including e-mails, chat logs, etc.
- 11 Use a stalking safety log to document all encounters with the stalker
- 12 Form a contingency plan in the case their safety is compromised
- 13 Be prepared to leave the area, if necessary
- 14 Seek help from a Victim Advocate: It's important to safely plan and to receive
15 supportive help for the traumatic impact of all types of stalking.

16 (*these guidelines have been adapted from literature that is widely available to
17 assist in the efforts to address the topic of stalking such as the website:

18 www.fcasv.org) If an assault takes place on University Park Campus:

19

20

Computer Facilitated Reporting Ranking				
5	4	3	2	1

21

22

1 **F. REPORTING**

2 *All victims of computer-facilitated victimization are encouraged to report the incident to law*
3 *enforcement agencies. Regardless of whether the victim chooses to immediately involve law*
4 *enforcement officials, the victim is strongly urged to contact the Victim Advocacy Center for*
5 *assistance with coordinating services, accessing resources, academic and other accommodations*
6 *and to help the victim recover from the trauma, safety plan, explore options and consider how to*
7 *preserve evidence if the victim chooses to pursue legal prosecution at a later date.*

8 A victim/survivor may also choose to file a report to the University's Office of Student
9 Conduct and Conflict Resolution if the accused person is a student. An explanation of
10 this procedure can be obtained in the Student Handbook, Conduct and Policies section,
11 or by calling? or by seeking the assistance of the Victim Advocacy Center. *The discipline*
12 *procedures are described in a separate section below and published in the Student Handbook.*

13 *It is the policy of the institution to strongly encourage victims to report all incidents and*
14 *violations to the law enforcement officials or agencies with*
15 *appropriate jurisdiction and avail themselves of all the services and rights to which they are*
16 *entitled by law.*

17 *Victims of computer facilitated victimization are encouraged to contact the Victim Advocacy*
18 *Center.. University personnel should always encourage victims to report and fully disclose*
19 *incidents(s) of COMPUTER FACILITATED VICTIMIZATION to the police, and seek services*
20 *from the Victim Advocacy Center.*

21 Whether legal or disciplinary action is desired, an anonymous report may be filed, at
22 any time, with the Victim Advocacy Center. This report provides University staff with

1 information about the crime that may be valuable in their efforts to prevent future crimes
2 and educate other students about high-risk situations.

3 University officials who have knowledge about COMPUTER FACILITATED
4 VICTIMIZATION are encouraged to file an anonymous report with the Victim Advocacy
5 Center (305) 348-1215, in addition to supporting the victim/survivor and referring that
6 person to the Victim Advocacy Center.

7 Steps should be taken to preserve evidence victim makes a decision about whether to
8 pursue charges. Contact the Victim Advocacy Center (305) 348-1215 for guidance.

9 **G. FOLLOW-UP AND RECOVERY SERVICES FOR VICTIM**

10 (See Relationship Violence for language in this section).

11 **H. Victim's Bill of Rights**

12 (See Relationship Violence for language in this section).

13 **I. FOLLOW-UP SERVICES FOR ACCUSED PARTY**

14 (See Relationship Violence for language in this section).

15 **J. Discipline Policies and Procedures for Accused Party**

16 (See " Relationship Violence" for language in this section)

17 **K. EDUCATIONAL RESOURCES**

18 W.H.O.A. (Working to Halt Online Abuse)

19 Web address: www.haltabuse.org

20

21 National Safe & Strategic Technology Project

22 Web address: www.nnedv.org

1 □ Stalking Resource Center's Information Clearing house Index. The Stalking
2 Resource Center's mission is to raise national awareness about stalking and to
3 foster the creation of multidisciplinary responses to the issue.

4 Web address: www.ncvc.org/src

5 Phone #: 202-467-8700

6 Email: src@ncvc.org

7 □ The National Center for Victims of Crime

8 Web address: <http://www.ncvc.org/src>

9 □ Safety Ed International

10 Web address: www.safetyed.org

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