

JACKSONVILLE UNIVERSITY

CAMPUS POLICY

Violence Against Women Act/Campus Sexual Violence Elimination Act

This document consists of the following numbered articles:

- I. Introduction and Purpose
- II. Campus Security Authorities
- III. The Campus SaVE: Violence Against Women Act
- IV. Legal Options for Victims
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- VI. Victims of Sexual Assault, Sexual Battery, Sexual Violence
- VII. Disciplinary Proceedings
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I. **Introduction and Purpose**

On March 7, 2013, the President signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill was the **Campus Sexual Violence Elimination Act (Campus SaVE)** which amends the Jeanne Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking. The purpose of this document is to establish a standardized policy for Jacksonville University which is in compliance with the Jeanne Clery Act inclusive of the amendments of the Violence Against Women Act and the Campus SaVE Act. In addition, the document provides definitions of sexual harassment, sexual assault/battery, dating violence, stalking, and domestic violence, which includes elements of what constitutes a violation of these offenses.

II. **Campus Security Authorities**

- A. Certain individuals by nature of their position of authority and responsibility at JU are classified as a Campus Security Authority, as defined by federal law. These include:

1. Officials with significant responsibility for student and campus activities (e.g., Student Life, Student Leadership and Development, Community Advisors, Coaches, faculty and staff advisors to student organizations);
 2. Individuals or offices designated to receive crime reports (e.g., ResLife, Administrative E-Mail Distribution List for daily reports); and
 3. Campus Security Officers and others who have responsibilities for campus security.
- B. Faculty members who do not have responsibility for student or campus activities beyond the classroom, clerical staff, cafeteria staff, or physical plant/maintenance personnel, while not technically classified as a campus security authority should report campus crime incidents to Campus Security or a designated campus security authority when such incidents are brought to their attention.

III. **The Campus SaVE: Violence Against Women Act (Section 304)**

- A. Under the Campus SaVE Act there have been additional criminal offenses for which statistics must be maintained and reported. These include:
1. Domestic Violence;
 2. Dating Violence; and
 3. Stalking.
- B. Under the provisions of Florida State Law the aforementioned offenses are defined as:
1. **Domestic Violence** (Florida State Statute 741.28) means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. A family or household members are 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 together or have in the past resided together in the same single dwelling unit. Domestic Violence includes;

- a. **Physical Abuse** – Pushing, slapping, kicking, choking, and beating,
- b. **Emotional/Verbal Abuse** – verbal intimidation, credible threats, following and stalking, acting out in anger, and
- c. **Sexual Abuse or Battery** – Any unwanted touching or forcing of someone to engage in a sexual act against his or her will.

2. **Sexual Violence** (F.S.S. 784.046) sexual violence is one incident of;

- a. **Sexual Battery** as defined in F.S.S. 794.011 **Sexual battery.—**
- b. (1) As used in this chapter:
- c. (a) “Consent” means intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.
- d. (b) “Mentally defective” means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.
- e. (c) “Mentally incapacitated” means temporarily incapable of appraising or controlling a person’s own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.
- f. (d) “Offender” means a person accused of a sexual offense in violation of a provision of this chapter.
- g. (e) “Physically helpless” means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.
- h. (f) “Retaliation” includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.
- i. (g) “Serious personal injury” means great bodily harm or pain, permanent disability, or permanent disfigurement.
- j. (h) **“Sexual battery” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.**

- k. (i) “Victim” means a person who has been the object of a sexual offense.
 - l. (j) “Physically incapacitated” means bodily impaired or handicapped and substantially limited in ability to resist or flee.
 - m. **A Lewd or Lascivious Act** as defined in chapter 800, Florida State Statutes (F.S.S.) committed upon or in the presence of a person younger than 16 years of age,
 - n. **Luring or enticing a child**, as described in chapter 787 F.S.S., or
 - o. **Sexual Performance by a Child** as described in chapter 827 F.S.S.
3. **Dating Violence** – (F.S.S. 784.046) is violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors;
- a. A dating relationship must have existed within the past 6 months,
 - b. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties,
 - c. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship, and
 - d. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.
4. **Stalking** – (F.S.S. 784.048) occurs when a person willfully, maliciously, and repeatedly follows, harass, or cyber stalks another person. Aggravated stalking occurs when that person makes a credible threat to that person through stalking.

IV. Legal Options for Victims

- A. As a victim you have the right to ask the State Attorney to file a criminal complaint, and you have the right to go to court and file a petition requesting an injunction for protection against domestic violence, repeat violence, dating violence, or stalking.

B. The remedies through the injunction for protection may include but need not be limited to provisions that:

1. Restrain the abuser from any contact or further acts of abuse;
2. Direct the abuser to leave your household;
3. Prevent the abuser from being within 500 feet of your residence, school, business, or place of employment;
4. Award you custody of your minor children; or
5. Direct the abuser to pay support to you and the minor child or children if the abuser has a legal obligation to do so.

V. Jacksonville University Policy Regarding Violence Against Women/Campus SaVE

A. Jacksonville University is committed to maintaining a safe, secure, living, learning, and work environment for the entire campus community. This includes providing an environment free from sexual harassment, sexual assault or battery, domestic violence, dating violence, stalking, or any other form of harassment.

B. In the event any student, employee, staff member, or visitor becomes victim to any of the criminal offenses listed above the incident should immediately be reported to the Jacksonville Sheriff's Office for a sworn law enforcement response (emergency 9-1-1, non-emergency 904-630-0500). In addition to contacting the Sheriff's Office, the Department of Campus Security should also be notified (904-256-7585) in order to provide an immediate response for victim assistance and investigative processes.

C. The Jacksonville Sheriff's Office is the sworn law enforcement agency charged with investigating criminal offenses and enforcing the laws in Jacksonville, Duval County, Florida. Officers have received appropriate training for investigation of the offenses discussed in this document and receive retraining at appropriate intervals. Once requested the Sheriff's Office will respond to conduct the investigation, complete the appropriate report and issue the victim a pamphlet titled, Notice of Legal Rights and Remedies for Victims of Domestic Violence, Dating Violence, Repeat Violence, Sexual Violence, and Stalking. In addition to

leaving the victim the pamphlet the investigating officer will explain the process for appropriate assistance and follow-up with the victim.

VI. Victims of Sexual Assault, Sexual Battery, Sexual Violence

- A. If you are the victim of a sexual assault your first priority is to get to a safe place and obtain necessary medical attention. Victims are encouraged to make a timely report to law enforcement officials and university officials as discussed above in article V, sections B and C. The timely reporting of the incident is important for necessary evidence collection and preservation. Filing a police report does not obligate a victim to cooperate with prosecution. When a person makes the report to the Campus Security Department, the local law enforcement agency will be contacted. An additional option for pursuing charges is through the University's disciplinary process.
- B. In adherence to the Clery Act and Jacksonville University mandates, victims of sexual assault have the following Bill of Rights. These rights are in conjunction with the aforementioned (article V) **Legal Rights and Remedies for Victims of Domestic Violence, Dating Violence, Repeat Violence, Sexual Violence, and Stalking provided by Florida State Statutes and include:**
1. You have the right to have reasonable changes in your academic and living situations;
 2. You have the right to referrals to counseling, and/or assistance in notifying law enforcement officials;
 3. You have the right for the same opportunity as the accused to have others present at a disciplinary hearing;
 4. You have the right to be notified unconditionally of the outcome of a hearing, sanctions, and terms of sanctions in place;
 5. You have the right to speak or choose not to speak to anyone regarding the outcome; and
 6. You have the right to have your name and identifying information kept confidential (FERPA).

VII. Disciplinary Proceedings

- A. Jacksonville University has a zero tolerance for criminal acts committed on campus and most especially those acts involving domestic violence, dating violence, repeat violence, sexual violence, sexual assault, and/or stalking. Reports of criminal activity will be investigated by the Jacksonville Sheriff's Office as well as the Department of Campus Security once knowledge of the act is gained or upon reporting by the victim. The results of the investigation will be forwarded to the Dean of Students or other University officials as required for appropriate action.

- B. The following disciplinary proceedings will apply to any incident of alleged domestic violence, dating violence, repeat violence, sexual violence, sexual assault and/or stalking including:
 - 1. A prompt and equitable investigation and resolution as discussed previously in this document; and
 - 2. The investigation will be conducted by law enforcement personnel (article V above) who receive appropriate training in the areas of these types of crimes as well as JU Department of Campus Security.

- C. Upon completion of the investigation a disciplinary hearing or meeting will be conducted which protects the safety of the victim and promotes accountability. The disciplinary proceedings will be conducted so that both the accuser and the accused are simultaneously informed, in writing of:
 - 1. The outcome of any disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;
 - 2. Information to both the accused and the victim regarding how to appeal the results of the disciplinary proceeding;
 - 3. Any change in the results before the proceeding and disposition is final; and
 - 4. When the results will become final.

VIII. Resources Available to Victims of Crime

- A. The University's Student Counseling Center offers short term counseling and referrals for victims of sexual assault. They are a valuable resource for persons

who report or do not report sexual assaults to University or law enforcement authorities.

- B.** The City of Jacksonville Victims Services, phone number – 630-6300
- C.** Sexual Assault Response Center, phone number - 630-6330
- D.** Sheriff's Office Victim Services Counselor, phone number – 630-1764
- E.** State Attorney's Office Victim-Witness Services, phone number – 630-2502
- F.** Women's Center of Jacksonville/Rape Recovery Team, address is 5644 Colcord Ave., Jacksonville, FL 32211, phone number – 722-3000 or hotline is (904) 721-7273. www.womenscenterofjax.org.
- G.** Florida Council Against Sexual Violence, phone number – 1-888-956-7273
- H.** Florida Department of Law Enforcement Sexual Offender/Predator Unit – 1-888-357-7332. Any member of the Jacksonville University community who wishes to obtain further information regarding sexual offender/predators in our area may refer to the FDLE website at: [FDLE's Searchable Database](#) or by calling 1-888-FL-PREDATOR / 1-888-357-7332).
- I.** State Attorney's Office – 630-2400
- J.** Local Domestic Violence center, HUBBARD HOUSE. Contact 24 hours a day at (904) 354-3114 or 1-800-500-119. Website is hubbardhouse.org.