

Sexual Violence and Misconduct

St. Petersburg College is committed to preventing sexual violence and sexual harassment on all of its campuses by providing resources to educate students and employees. If you experience any form of sexual misconduct, including unwelcome sexual advances, sexual assault, dating violence, domestic violence, or stalking, on campus or at any College-sponsored activity, we are here to help.

This information should be read by the entire college population because all can be victims of sexual misconduct. This section constitutes the policy of the Board of Trustees (BOT) of St. Petersburg College on Sexual Assault and Sexual Misconduct including Sexual Harassment. This policy applies fully to all students and all employees

[BOT Rule 6Hx23-4.332, Sexual Misconduct Rule](#)
[BOT Rule 6Hx23-4.332, Sexual Misconduct Procedure](#)

[Reporting Contacts](#)

Sexual Misconduct: Definitions and Facts

Sexual Battery

Commonly referred to as rape, is one of the most underreported of all major crimes. The legal definitions differ from state to state; however, Florida defines sexual battery as: “Oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration by any other object; however sexual battery does not include an act done for a bona fide medical purpose.” Section 794.011(h) Florida Statutes.

Under Florida law, the victim may be female or male. The term “victim” is defined as the person alleging to have been the object of a sexual offense. See Section 794.011(i) Florida Statutes.

Sexual battery (rape) is generally categorized by experts into three areas based on the characterization of the rapist:

1. **Stranger rape** – the sexual battery of an individual by someone the victim does not know.

Some important facts to know about stranger rapes are:

- About three in 10 rapes by strangers occur on the streets; about one in 10, at the victim’s home
- Rapes committed by strangers are more likely to be reported to the police than rapes by non-strangers
- Stranger rapists are more likely to have a weapon than non-stranger rapists. The weapons are likely to be guns or knives

2. **Date or acquaintance rape** – the sexual battery of an individual by someone the victim knows, usually an acquaintance or a date. Date rape is the most common type of rape occurring

on college or university campuses, but the least frequently reported. Some important facts to know about date/acquaintance rapes are:

- Often times date/acquaintance rapes are not accepted as “rapes” by the victims, the victims’ families and friends, nor by the public. The myth that only strangers commit rape has been falsely accepted and perpetrated for generations. A RAPE IS A RAPE.
- Most date/acquaintance rapes occur in the home of the victim or rapist. Loud music is often played to drown out the protest of the victim.
- Acquaintance rapes usually happen after the first meeting or between two “friends” at a residence complex. The rapist may be a classmate acquaintance.
- Date rapes often take place on the second or third date because most victims tend to be more on guard during the first date.
- Acquaintance and date rapes frequently result from aggressive behavior combined with one or more of the following:
 - 1 - A lack of clear understanding concerning the intention(s) and expectation(s) of both people.
 - 2 - A perception of the lack of assertive behavior on the part of the victim.
 - 3 - Vulnerability of the victim resulting from the use of alcohol or drugs or from stress, fatigue, etc.
- Victims of date/acquaintance rape are inclined to feel more guilty than other rape victims because they knew the person and perhaps made a value judgment that the person was honest and trustworthy. Therefore, the victims erroneously assume that they must have been at fault. The RAPIST IS THE WRONGDOER. A victim is NEVER responsible for being raped.
- The rape often makes the victims feel that they can no longer distinguish the trustworthy people from the others.” Subsequent socialization or interaction becomes difficult.
- Many victims of date/acquaintance rape are less likely to discuss the incident or report it to the police or others. They usually do not seek counseling and often drop out of college.
- Therefore, it is imperative that a rape victim be advised to seek counseling.

3. Group/gang rape – the sexual battery of an individual by multiple perpetrators. The Florida Legislature has decreed that an act of sexual battery, when committed by more than one person, presents a great danger to the public and is extremely offensive to society. Accordingly, it has enhanced the penalties for acts of sexual battery when committed by multiple perpetrators. See Florida Statutes 794.023. Some important facts to know about gang rape are:

- Voyeurism is linked with gang rape. Those not directly involved may watch and encourage the active rapist(s) to continue with the rape.
- Alcohol and/or drugs are usually connected with campus gang rapes.
- Offenders who commit rape in a group (gang) tend to be younger than lone rapists. In rapes with two or more multiple perpetrators, three out of 10 are under the age of 21.

Sexual Harassment

Learn more about SPC's [Sexual Harassment policy](#).

Public Indecency

Public Indecency will not be tolerated by the college. Public indecency means exposing one's body in such a manner that another party reasonably could be offended or engaging in other lewd or lascivious sexual conduct where another party reasonably could be offended.

Voyeurism

Voyeurism means to trespass, to spy or eavesdrop for sexual arousal.

Other facts

Sexual battery is a crime of violence, aggression, and power. It is not a crime of passion. Some other facts that you need to know about [rape and sexual assault](#) are compiled and published by the Bureau of Justice Statistics.

Sexual Misconduct: Preventive Measures

At home

- Never prop doors open or let someone you don't know into your home.
- Don't open your home or apartment to strangers. Utility companies furnish I.D. badges. Be suspicious of door-to-door solicitors.
- Never reveal your phone number to a wrong number caller. Hang up immediately, but do not slam the phone down.
- Lock your doors at home as soon as you enter or leave.
- Don't lend your keys to anyone – ever!
- When leaving your car for repair or with a parking attendant, leave only the ignition key.
- If you notice any signs of forced entry when you come home, don't enter. Go to a neighbor's and call the police.
- Never leave messages on your door.
- Always have your keys out and ready when you come to your door.
- Don't hide an extra key outside. Rapists and burglars know all the best spots.
- Be wary of neighbors or casual acquaintances who make it a habit of "dropping in" when no one else is home.
- Don't advertise that you live alone.
- Don't leave underwear or bathing suits out on the line, balcony or clothes rack at night. This could attract a rapist.

While walking on or off campus

- Walk briskly. Look alert and confident. However, avoid presenting a "cocky" attitude or posture.
- If you are being harassed from a vehicle, turn and walk away from the vehicle. Try to head for lights and people.
- Never hitchhike or accept rides from strangers.
- If you feel you must give directions to a driver or pedestrian, maintain enough distance to prevent from being grabbed and dragged into the car or an alley.
- Avoid dark and secluded places and do not bike, jog, or walk alone at night.
- Avoid working late at night or on weekends in isolated offices or labs.

- After an evening class, walk with someone you know to your car, if possible. Ask security for an escort if necessary.
- Trust your instincts when you sense danger. Don't be embarrassed "to make a scene" if you feel you are in danger.

When approaching or while in your car

- While at a distance from the car, look under the car to check for the presence of someone.
- Have your keys ready to open the car door.
- Before getting in the car, be sure to check the floor of the back seat.
- When driving, keep your doors locked.
- Whenever possible, park in a well-lighted area.
- If you think you're being followed, do not drive home. Drive to the nearest gas, fire or police station, or to the nearest well-lighted area where there are people.
- Don't pull over for flashing headlights. If it is an emergency vehicle or the police, there will be flashing red or blue lights on the car.
- Don't pick up a hitchhiker under any circumstances.
- If you have car trouble on the road, raise the hood and then wait inside the car with doors locked and the windows up. If a motorist stops to help, crack your window slightly and ask him or her to call the police.
- Always carry enough money for an emergency phone call and to purchase gas if you need it. Maintain your car in good running condition.

General precautions

- Be honest with your friend or acquaintance when you mean "NO." Be sure that your voice and your body language (non-verbal actions) are saying "NO."
- It is very risky to accept a ride home or an invitation for a late night snack from someone you've just met.
- Be careful with whom you associate and where you are when under the influence of alcohol or drugs. Do not use drugs - ever!

Sexual Misconduct: Profile of a Rapist

A rapist is not distinguishable by looks or intelligence. Most rapists who have been studied rate normally on psychological tests except for a slightly higher rate on expressing anger. They can look like the boy or girl next door or any well-respected member of the community. However, experts on sexual assaults have identified some behavioral characteristics and personality traits that merit the attention of prudent and observant persons.

Stranger rapist

- Selects the victim on the basis of opportunity and initiates the attack usually choosing someone who appears vulnerable and alone.
- Could have other consenting sexual relationships but chooses to rape both because the rapist enjoys overpowering and degrading the victim and to vent feelings of hostility, aggression and inferiority. Sex is not the motivating factor, only the mode of expression.
- Is emotionally unstable yet deals with life on a day-to-day basis in a reasonably normal and competent manner.

- Has difficulty relating to others in a permanent or lasting fashion.
- Could be an exhibitionist or “peeping tom” since these acts may be only a part of a fantasy which includes rape.
- Does not understand or recognize the rights of other individuals.

Acquaintance/date rape

- Acts immaturely, shows little empathy or feeling for others and displays little social conscience.
- Displays anger or aggression either physically or verbally. The anger need not be directed toward you but may be displayed during conversations by general negative references to women or men, vulgarity, curtness toward others, and the like. Often views women or men as adversaries.
- Postures aggressively and discusses acts of physical prowess.
- Displays a short temper, slaps and/or twists arms.
- Acts with excessive jealousy and/or is possessive about you. Be especially suspicious of this behavior if you have recently met the person or are on a first or second date.
- Ignores your wishes.
- Attempts to make you feel guilty or accuses you of being “uptight.”
- Becomes hostile and/or increasingly more aggressive when you say “no.”
- Insists on being alone with you on a first date.
- Demands your attention or compliance at inappropriate times such as during class.
- Asks personal questions and is interested in knowing more about you than you want to tell.
- Subscribes excessively to traditional male or female stereotypes.

Sexual Misconduct: Penalties

Violation of sexual misconduct rule

Sexual misconduct is any action on the part of a student or employee that violates Board of Trustees’ Rule 6Hx23-4.332 as discussed throughout this manual.

Penalty

A student or employee in violation of Board of Trustees’ Rules 6Hx23-4.332 or 6Hx23-2.011 shall be subject to disciplinary action, including dismissal or termination.

- Students may be subject to disciplinary action as provided for in Board of Trustees’ Rule 6Hx23-4.35 and the related procedure.
- Career service employees may be subject to disciplinary action as provided for in the Career Service Manual, Board of Trustees’ disciplinary rules relating to career service employees, including Rule 6Hx23-2.19, and Chapter 120 of the Florida Statutes.
- Administrative staff and faculty members may be subject to disciplinary action as provided in the Board of Trustees’ Rule P6Hx23-2.2012.

Victims’ rights and decisions

In the state of Florida, the commission of sexual battery is considered a felony under most circumstances. Felonies are classified for the purpose of sentence (and for any other purpose specifically provided by statute) into the following categories and their penalties are as follows:

- **Capital Felony**
Penalty – Life imprisonment and must serve no less than 25 years before becoming eligible for parole, unless the proceedings held to determine sentence result in finding that such person shall be punished by death.
- **Life Felony**
Penalty – For a life felony committed on or after October 1, 1983, a term of imprisonment for life or a term of imprisonment for a term of years not exceeding life imprisonment.
- **Felony of the First Degree**
Penalty – A term of imprisonment not exceeding 30 years.
- **Felony of the Second Degree**
Penalty – A term of imprisonment not exceeding 15 years.
- **Felony of the Third Degree**
Penalty – A term of imprisonment not exceeding five years. Whether a person is charged and/or convicted of a particular felony in the state of Florida will depend on certain acts or circumstances existing during the commission of the sexual battery, e.g. the age of the victim; the use of threat of a deadly weapon or the use of actual physical force likely to cause serious personal injury; use of drugs or intoxication substances to incapacitate the victim, mentally or physically; the number of perpetrators involved in the crime; and, if the offender is an habitual felony offender.

Sexual Misconduct: Victims Rights

State of Florida Guidelines for Fair Treatment of Victims and Witnesses in the Criminal Justice System

Victims of crimes have the right to be informed, to be present, and to be heard when relevant at all crucial stages of a criminal proceeding, to the extent that this right does not interfere with the constitutional rights of the accused.

To what options are victims entitled? The following illustrates some victims' rights:

- Information concerning available crisis intervention services, supportive or bereavement counseling, and community-based victim compensation.
- Information about the role of the victim in the criminal justice system, the stages in the criminal justice process (which are of significance to a crime victim), and the manner in which such information can be obtained.
- Information concerning available protection from intimidation for victims and witnesses.
- Advance notification of judicial and post-judicial proceedings which relate to the arrest or release of the accused, and the arraignment, trial, sentencing, or appeal of the accused (provided that you give the State Attorney's Office your name and current address).
- In felony crimes, consultation by the State Attorney's office to obtain the views of the victim or victim's family about the release of the person accused of the crime, plea negotiations, participation in intervention programs, and the sentencing of the accused.
- Return of victim's property collected by law enforcement or the State Attorney's Office for evidentiary purposes.
- Assistance from law enforcement or the State Attorney's Office when requested by victims, to inform the victim's employer about necessary absences from work and the victim's creditors about serious financial hardship incurred as a result of the crime.
- Requests for restitution from the offender for certain out-of-pocket losses.

- Submission of a Victim's Impact Statement orally, or in writing, to the judge, before the sentencing of an offender who pleads guilty, nolo contendere (no contest), or is convicted of a felony crime.
- Information concerning the escape of the offender from a state correctional institution, county jail, juvenile detention facility, or involuntary commitment facility.

Florida Statute 960.001

For more detailed information about your rights under 960.001 F.S., contact:

- Pinellas County Sheriff Victim Advocate 582-6259
- Victim Witness Services Tallahassee, Florida 850-414-3300 or 800-226-6667
- For information on Florida's registered sexual offenders and predators, visit <http://offender.fdle.state.fl.us/offender/homepage.do>

Victims' Rights and Decisions

Critical decisions by the victim

Sexual battery is a violent crime committed against the victim either by force or threat, contrary to their wish. Immediately after an assault there are several legal decisions which you will have to make. It is important for you to realize that you are in control of the decisions that are made or can be made by you. Critical decisions the victim must make are:

1 - Whether to report to the police.

- Police procedure usually mandates the presence of an advocate for the victim when a sexual battery is reported. Hospitals also are requested to notify an advocate if they are treating a sexual battery victim.
- Police are required by law to be notified by the hospital when a sexual battery victim comes in for treatment. This does not mean the victim must prosecute nor is the victim required to speak to law enforcement if she or he does not wish to do so.
- The college also must report the crime of sexual battery committed in areas within its jurisdiction.
- To investigate the crime of sexual battery, law enforcement officers will question the victim, supervise the collection of physical evidence, and visit the scene of the assault.
- Questioning will typically focus on a description of the assailant, the circumstances of the assault, and the specific actions and responses of each party.
- Typically, the interview and investigation phase is supervised by detectives and not those to whom the crime was initially reported. Apprehension of the assailant often is a function of immediacy of the complaint. The decision to report to police should be made as soon as possible. It is recommended that the victim report the assault immediately. However, a sexual battery may be reported days or even weeks after the assault.

2 - Whether to prosecute

- There are several levels of the prosecution process including issuance of a warrant, testimony, deposition, pretrial, and trial, which may last six-eight months.

- Sexual battery is a crime that is prosecuted by the state. The victim will be assigned an attorney from the State Attorney's office and testimony will be necessary for prosecution. The defense attorney also will have an opportunity to cross examine the victim.
- Prosecution can be therapeutic or traumatic to the victim depending on the circumstances surrounding the trial and the verdict. It is important to remember, however, that the victim will not be alone. Centers work with victims to lessen the trauma of the criminal justice system (see listing, Local Available Services, below).
- If the victim decides to prosecute, in order for the State Attorney's office to have the strongest case against the suspect, it is important for it to have the best possible evidence and testimony. Therefore, at some point after the medical examination, the police will ask some questions that are necessary to the investigation. The details of the sexual assault will be asked. These questions are not designed to embarrass or humiliate, but to aid in the apprehension and prosecution of the rapist. Efforts to minimize the victim's pain and anguish will be made.