



Broward
Community
College

Policy Manual

Title: Unlawful Sexual Harassment/ Battery/Assault	Number: 6Hx2-5.20
Legal Authority: Florida Statutes 794.011 and 1001.64; 20 U.S.C. Section 1681, and 42 U.S.C. Section 2000d	Page: 1 of 2

Sexual Harassment. As established in the College’s Policy 6Hx2-5.22, *Unlawful Discrimination, Harassment and Retaliation Policy*, the College intends to protect all students from sexual harassment.

For the purpose of this policy, sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which (1) makes submissions to or rejection of such conduct either an explicit or implicit basis for Admissions and/or academic decisions affecting the individual or (2) unreasonably interferes with the individual’s education or academic performance by creating an intimidating, hostile, or offensive environment.

Conduct which falls into the definition of sexual harassment includes, but is not limited to:

- Unwelcome physical contact of a sexual nature such as patting, pinching, or unnecessary touching.
- Overt or implied threats against an individual to induce him/her to perform sexual favors or to engage in an unwelcome sexual relationship.
- Verbal innuendos or jokes of a sexual nature, including graphic or degrading verbal comments about an individual and/or his or her appearance.
- Use of sexually suggestive terms or gestures to describe a person’s body, clothing, or sexual activities.
- Displaying or posting offensive sexually suggestive pictures or materials on campus.

Sexual Battery/Assault. No student may commit or attempt a sexual battery/assault against any student or employee of the College or against any person at a College sponsored or supervised activity. In addition to any criminal or civil actions which may be pending or in process, the College may pursue a separate disciplinary action against any student believed to have committed or attempted a sexual battery as defined below.

History: Issued as Policy 5.34 (*Sexual Harassment*) on August 26, 1993; revised, re-titled, combined with Policy 5.35 (*Sexual Battery/Assault Policy*), and re-numbered on July 23, 1997; revised on October 31, 2001; revised on May 22, 2002; revised and re-titled to Unlawful Sexual Harassment/Battery/Assault on February 28, 2007.

Approved by the Board of Trustees	Date 02/28/07	President’s Signature 	Date 02/28/07
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Sexual Battery Defined. Commonly referred to as rape, *sexual battery* shall be defined in accordance with *Florida Statutes*, Chapter 794.011, as a criminal act consisting of “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” without that person’s consent. *Consent* means intelligent, knowing, and voluntary consent and does not include a coerced submission or a submission obtained by threatening the victim. Consent shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender. Furthermore, consent cannot be obtained from a person who is temporarily or permanently incapable of appraising the nature of his/her conduct. For example, a person who is under the influence of an intoxicating substance may be unable to appraise the nature of his/her conduct. Under Florida law, both males and females may be *victims* of sexual battery. It does not matter whether the victim knew his/her attacker (date/acquaintance rape) or did not know his/her attacker (stranger rape). It does not matter if the victim has had a previous relationship with his/her attacker.

[Link to Procedure A6Hx2-5.20](#)

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