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Sexual Misconduct

Sexual Harassment

Harassment is a form of discrimination that encompasses unwelcomed conduct based on a person's protected status. This type of harassment is covered under [Regulation FIU-105: Sexual Harassment and Sexual Misconduct](#), which includes all conduct

Title IX

For information on Title IX and available trainings for students, visit our [Title IX webpage](#).

prohibited by the [Title IX](#) federal statute (Sexual Harassment) but also covers additional behaviors and circumstances Title IX does not prohibit (Sexual Misconduct).

To determine whether a violation of FIU-105 has occurred, the totality of the circumstances will be considered, including the nature, frequency, and duration of the conduct in question, the location and context in which it occurs, and the status of the individuals involved. Harassing behaviors may include, but are not limited to:

- Conduct, whether verbal, physical, written, graphic, or electronic that threatens, intimidates, offends, belittles, denigrates, or shows an aversion toward an individual or group.
- Epithets, slurs, negative stereotyping, jokes, or nicknames.
- Written, printed, or graphic material that contains offensive, denigrating, or demeaning comments or pictures.
- The display of offensive, denigrating, or demeaning objects, e-mails, text messages, or cell phone images.

If any student, employee, or applicant has a sincere and reasonable belief that they have been discriminated against or harassed based on race, color, religion, sex, genetic information (including pregnancy, childbirth, or related conditions), national origin, disability, or veteran status, or any other protected category, the Office of Civil Rights (OCR) encourages them to fill out the [Discrimination, Harassment, and Retaliation Reporting Form](#). OCR will investigate the complaint in accordance with university policy and procedures.

If you are a student who wishes to file a complaint of sexual harassment against a student, you may do so with [Student Conduct and Conflict Resolution](#).

Regulation FIU-105: Sexual Harassment (Title IX) and Sexual Misconduct

The University has developed the Regulation [FIU-105: Sexual Harassment \(Title IX\) and Sexual Misconduct](#), which prohibits discrimination based on sex, applicable to the entire University community, consistent with Title IX of the Education Amendments of 1972, relevant provisions of the Violence Against

Women Reauthorization Act of 2013 (VAWA), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), along with all applicable implementing regulations, and other applicable federal and state laws.

On August 14, 2020, following guidance from the U.S. Department of Education, FIU published an updated regulation which includes:

- an updated definition of sexual harassment
- an outline of the process for filing a formal complaint
- a statement establishing that a person accused of an alleged violation of FIU-105 is not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process
- a breakdown of the process for investigation of a formal complaint of an alleged violation of FIU-105 as well as the subsequent University live hearing process which results in a determination of responsibility.

In FIU-105, FIU further identified Sexual Misconduct, which applies to alleged harassment, violence, and/or prohibited discrimination that occurs in or outside a University education program or activity, regardless of location. Including this distinct definition in FIU-105 allows FIU to address conduct that does not meet the Title IX standard, as per the U.S. Department of Education, but that the University has historically deemed as behavior that is against the values of the University.

Title IX Coordinator

OCR's Senior Director is also FIU's Title IX Coordinator, who is responsible for managing the development of policies related to sexual harassment and sexual misconduct; ensuring compliance with Title IX and relevant federal and state regulations; responding to concerns raised by the Deputy Title IX Coordinator(s), University Police, responsible employees or other members of the University Community; coordinating effective implementation of supportive measures; and overseeing investigation of alleged violations of FIU-105.

The University's Interim Title IX and Civil Rights Coordinator is:

Emmanuele A. Bowles

Office of Civil Rights

11200 S.W. 8th Street, Primera Casa 220, Miami, FL 33199

Office number: (305) 348-2785

Email: ocr@fiu.edu

The Title IX Coordinator has designated Deputy Title IX Coordinators to assist in fulfilling the Title IX Coordinator duties. The Deputy Title IX Coordinators are:

Devan Parra

Assistant Dean of Students,
Office of Student Conduct
and Academic Integrity
[305-348-3939](tel:305-348-3939)
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Dr. Kevin Kendrick

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Reporting

Potential violations of Title IX or FIU-105 Regulation should be reported through report.fiu.edu. The Office of University Compliance & Integrity's Ethical Panther Hotline may also be used to report.

[Visit REPORT.FIU.EDU to submit a concern](http://REPORT.FIU.EDU)

[Ethical Panther Hotline](#)

Training Presentations

The following resources are training materials departments can use to train and prepare team members on sexual harassment and misconduct:

- [FIU-105 Regulations & Title IX Guidelines](#)
- [FIU Hearing Body Training](#)
- [FIU Title IX Coordinator Training](#)
- [FIU Appellate Officer Training](#)

Confidential Resources

The University is committed to providing options through multiple contact points across campus that are broadly accessible to all University community members to address a potential violation of FIU-105 Regulation. Anyone may seek confidential assistance and/or make a report to the University on behalf of themselves or others. Confidential assistance means speaking about the alleged violation with a professional who cannot share the information with anyone else without the express permission from the person sharing the information unless there is a threat of serious harm to the person sharing the information and/or to others and/or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor or vulnerable adult).

The following are confidential resources that are available to members of the University community:

On Campus Resources

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Off Campus Resources

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