



# ANNUAL SECURITY REPORT 2024

## Florida National University

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Hialeah, Florida 33012

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This report was created by the Director of  
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# 2024 Annual Security Report Introduction

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National University

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Director of Athletics

**Monica B. Calderon, MS**  
Director of Student & Career  
Services

Florida National University, in compliance with the Jeanne Clery Disclosure of Campus Policy and Campus Crime

Statistics Act, formally publishes the Annual Campus Security and Crime Report to provide all FNU stakeholders and the community with statistics about crime on campus and in public areas immediately adjacent to each campus, as defined by Clery Act regulations. When preparing the ASR, FNU requests all crime statistics from local law enforcement, and the Director of Student Services prepares the report. In addition, the Annual Security Report (ASR) describes FNU's policies and procedures regarding security and crime prevention, available resources, and the various services FNU provides. For any questions related to this matter, you may refer to the FNU Campus Deans or the Student Services office at:

### Hialeah Campus

4425 West 20<sup>th</sup> Avenue  
Hialeah, Florida 33012  
Phone: (305) 821-3333

Campus Dean	ext. 1015
Assistant Deans	ext. 1009, 1044 & 1164
Student Services	ext. 1113

### Training Center

4206 West 12<sup>th</sup> Avenue  
Hialeah, Florida 33012  
Phone: (305) 231-3326  
Phone: (305) 821-3333

Campus Dean	ext. 1503
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### South Campus

11865 Southwest 26<sup>th</sup> Street Suite H3  
Miami, Florida 33175  
Phone: (305) 226-9999

Campus Dean	ext. 1603
Assistant Deans	ext. 1605
Student Services	ext. 1635

### Distance Learning

4425 West 20<sup>th</sup> Avenue  
Hialeah, Florida 33012  
Phone: (305) 821-3333

Online Support	ext. 1920
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## Emergency Response Procedures

Florida National University highly emphasizes pro-active prevention and the education of faculty, staff, and students as a means to minimize hazards and behaviors that can lead to injuries, or hamper the effectiveness of response efforts associated with manmade emergencies or natural disasters. However, in as much as critical incidents may occur despite all efforts to prevent or curtail them FNU has developed plans designed to prepare for, respond to, contain, mitigate, and recover from emergencies or critical incidents that may impact FNU. These procedures and policies are intended to reflect the basic response individuals should take in the most common emergencies likely to be experienced at FNU and to define the management model to be employed when FNU must respond to major emergencies of all types. In responding to major emergencies, priority will always be placed on preventing or minimizing harm or injury to individuals, minimizing damage to FNU assets, and restoring normal operations in the shortest possible time frame.

Working in direct collaboration with the Administration and Campus Deans, Student Services strives to maintain a safe and reputable environment for its students, faculty, staff and community. The Department of Student Services enforces all University Policies and offers trainings and drills on various emergency plans, some of which are:

- Student ID enforcement
- Evacuation and Fire Drills
- Incident Reports
- Crime Reports
- Annual Security Report
- Active Shooter
- Emergency Weather Response
- Clery Act/SAVE/VAWA/Title IX

For more detailed information on specific response actions, please refer to Florida National University's Emergency Response Procedures that are located on the FNU Website under Publications. Below is the direct link to the publications link where the Emergency Response Procedures can be found:

[Florida National University Publications](#). Please also refer to the "Emergency Procedures" section below.

## Emergency Contact Numbers and Hotlines

The following is a list of emergency, crisis and other important contact and resource information contacts:

<p><b>Emergencies</b> 911</p> <p><b>Human Resources at FNU</b> (305)821-3333 ext. 1073/1098</p> <p><b>Student Services at FNU</b> (305)821-3333 ext. 1113</p> <p><b>FNU Title IX Coordinator</b> (305) 226-9999 ext. 1221</p>	<p><b>FNU Deputy Title IX Coordinator</b> (305)821-3333 ext. 1024</p> <p><b>National Suicide Prevention Lifeline</b> 988 – Call or SMS</p> <p><b>National Domestic Violence Hotline</b> 1(800)799-7233</p> <p><b>National AIDS's Hotline</b> 1(800)232-4636</p> <p><b>Crime Victims' Services</b> 1(800)226-6667</p>	<p><b>Planned Parenthood Hotline</b> 1(800)230-7526</p> <p><b>Baptist Health-Women's Health Center</b> 1(833) 692-2784</p> <p><b>National Hotline for Missing &amp; Exploited Children</b> 1(800) 843-5678</p> <p><b>RAINN-Rape, Abuse &amp; Incest National Network (RAINN)</b> 1(800)656-4673</p>	<p><b>National Domestic Violence/Child Abuse/Sexual Abuse</b> 1(800)799-7233</p> <p><b>Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline</b> 1(800)662-4357</p>
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## The Jeanne Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act") was enacted by the United States Congress and signed into law in 1990 and then later amended in 1992 and 1998. This law, which applies to all institutions of higher education, both public and private that participate in any federal student aid programs requires schools to publicly disclose 3 years of campus crime statistics and basic security policies. As prescribed by the Clery Act, FNU has its own plan to report crimes, other emergencies occurring on campus and its own policies concerning the institution's response to such reports.

Under no circumstances are students allowed to bring any type of weapon on campus or use any object to threaten or harm people or property.

For specific plans and procedures on reporting of a crime, please refer to Florida National University's Emergency Response Procedures that are location on the FNU Website under Publications. Below is the direct link to the publications link where the Emergency Response Procedures can be found:

### [Florida National University Publications](#)

On an annual basis, Florida National University produces this Annual Security Report for dissemination to the campus community (students and employees). The Director of Student Services makes a formal request to the local law enforcement agencies to obtain crime statistics that must be included in the annual report.

The Annual Security Report includes relevant policy statements and guidance on the improvement of campus security. The report is made available to the campus community via email, through the FNU website as well as in hard copy from the Office of Student Services.

*\*\*NOTE: The Campus Security Report is published annually and is available on FNU's website under Student Services>Crime Report. It is also annually distributed directly to all students and employees via email. A printed copy is published on each Campus and is also available at each campus' Reception, Campus Dean office, and/or Student Service office. The link will also be available in every Syllabi on Simple Syllabus.*

## Anti-Hazing Policy and Procedures

Florida National University Anti-Hazing Policy and Procedures Florida National University is committed to maintaining an environment that promotes the health and safety of the University community, including FNU students, faculty and staff. FNU prohibits Hazing in any form by members of the University community and complies with the related requirements of both (i) the Jeanne Clery Campus Safety Act, including as amended in 2024 by the Stop Campus Hazing Act (Public Law 118–173) and (ii) Florida’s anti-hazing law (Section 1006.63, Fla. Stat.).

### **Definitions**

“Hazing” includes hazing under either federal or state law:

“Hazing” (federal law) means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons, regardless of the willingness of such other person or persons to participate, that—

a. is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a Student Organization; and

b. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—

o whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity; o causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;

o causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;

o causing, coercing, or otherwise inducing another person to perform sexual acts; o any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;

o any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and

o any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

“Hazing” (Florida law) means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to:

- a. Initiation into any organization operating under the sanction of a postsecondary institution;
- b. Admission into any organization operating under the sanction of a postsecondary institution;
- c. Affiliation with any organization operating under the sanction of a postsecondary institution; or
- d. The perpetuation or furtherance of a tradition or ritual of any organization operating under the sanction of a postsecondary institution. The term includes, but is not limited to, pressuring or coercing the student into violating state or federal law; any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student; or any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. The term does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

*“Student Organization”* means an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

*“Retaliation”* means to intimidate, threaten, coerce, harass, use violence, or discriminate against any individual for good faith reporting of alleged Hazing, or to engage in other conduct that would substantially discourage a reasonable person from reporting alleged Hazing, taking part in the investigation or resolution process, or making a good faith effort to intervene as a bystander. *Hazing, as defined under this policy, includes Retaliation.*

**Reporting, Investigation and Resolution.** In the case of an emergency, members of the University community are urged to contact 9-1-1 immediately. Hazing allegations may be reported to the Office of Student Services.

The Director of Student Services or designee will review any report of alleged Hazing and determine if an investigation is warranted. If an investigation is warranted, the Director of Student Services or designee will determine the format of investigation based on the nature of the allegation. Allegations against students will generally be handled in accordance with the “Code of

Behavior and Disciplinary Procedures” section of the University’s latest Annual Security Report (“ASR”), including Honor Court proceedings as warranted. (The ASR is available at the [Campus Safety page](#) or from the Office of Student Services”). Allegations against employees will generally be handled in accordance with the University’s applicable human resources policies and procedures.

Sanctions for violations of this policy will be determined by the University as appropriate for the severity of the conduct and may include any sanction up to and including, (1) for students, suspension and expulsion, (2) for recognized student organizations, loss of University recognition and rescission of permission to operate, and (3) for employees, termination.

**Awareness and Prevention.** FNU strives to equip the University community with tools and resources to prevent hazing, which may include skill building resources for bystander intervention, information on ethical leadership, and the promotion of strategies to build cohesion within student organizations without resorting to hazing.

*Primary Prevention.* All students, faculty and staff should familiarize themselves with this Anti-Hazing Policy and with [the Student Hazing Prevention: Action Guide](#) and [Bystander Intervention Guide](#), both published by StopHazing.org. These publications contain a wealth of resources intended to stop hazing before it occurs, including research on hazing and its negative impacts, and research-informed, evidence-based guidance and prevention strategies for different campus constituencies. In addition to understanding the general principles on hazing, members of the University community are encouraged to take part in small-group hazing prevention activities suggested by these resources, under appropriate supervision by University leadership.

*Additional Resources.* The National Study of Student Hazing (2008) is one of the more comprehensive studies on hazing and hazing prevention. With 11,000 responses and over 300 interviews from 53 college campuses nationwide, the study illustrates the problems and challenges related to student hazing. Its findings include:

- 47% of students come to college having experienced hazing.
- 55% of college students involved in clubs, teams, and organizations experience hazing.
- Nine out of ten students who have experienced hazing behavior in college do not consider themselves to have been hazed.
- In 95% of the cases where students identified their experience as hazing, they did not report the events to campus officials.

- There are public aspects to student hazing, i.e., students talk with peers or a friend (48%), to another group member (41%), or to family (26%) about their hazing experiences.

Additional resources, educational videos, and other important content can be found through anti-hazing advocacy organizations such as Hazing Prevention ([hazingprevention.org](http://hazingprevention.org)), Stop Hazing ([stophazing.org](http://stophazing.org)), Inside Hazing ([insidehazing.com](http://insidehazing.com)), UVA's Gordie Center (<https://gordie.studenthealth.virginia.edu>), and Penn State's Piazza Center (<https://studentaffairs.psu.edu/piazzacenter>).

All members of the University community, particularly those in leadership roles relating to student organizations, are expected to avail themselves of these resources as appropriate to their roles.

**Hazing Prosecution and Amnesty.** In the State of Florida, Hazing can result in criminal prosecution and conviction.

A person commits hazing, *a third degree felony*, when he or she intentionally or recklessly commits any act of hazing upon another person who is a member of or an applicant to any type of student organization and the hazing results in serious bodily injury or death of such other person.

A person commits hazing, *a first degree misdemeanor*, when he or she intentionally or recklessly commits any act of hazing upon another person who is a member of or an applicant to any type of student organization and the hazing creates a substantial risk of physical injury or death to such other person.

Under Florida law, it is not a defense to a charge of hazing that:

- The consent of the victim had been obtained;
- The conduct or activity that resulted in the death or injury of a person was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or

- The conduct or activity that resulted in death or injury of the person was not done as a condition of membership to an organization. However, under sections 1006.63(11)-(12), Florida Statutes, commonly known as Andrew's Law, individuals may be protected from prosecution for Hazing, as defined under Andrew's Law, if all of the following are established:

- That he or she was present at an event where, as a result of Hazing, a person appeared to be in need of immediate medical assistance.
- That he or she was the first person to call 911 or campus security to report the need for immediate medical assistance.
- That he or she provided his or her own name, the address where immediate medical assistance was needed, and a description of the medical issue to the 911 operator or campus security at the time of the call.

- That he or she remained at the scene with the person in need of immediate medical assistance until such medical assistance, law enforcement, or campus security arrived and that he or she cooperated with such personnel on the scene.

Under Andrew's Law, notwithstanding the above, a person is immune from prosecution under this section if the person establishes that, before medical assistance, law enforcement, or campus security arrived on the scene of a Hazing event, the person rendered aid to the Hazing victim. For purposes of this provision, "aid" includes, but is not limited to, rendering cardiopulmonary resuscitation to the victim, clearing an airway for the victim to breathe, using a defibrillator to assist the victim, or rendering any other assistance to the victim which the person intended in good faith to stabilize or improve the victim's condition while waiting for medical assistance, law enforcement, or campus security to arrive.

**Campus Hazing Transparency Report (CHTR).** On a biannual basis, FNU will publish and distribute a CHTR including summarized findings for any student organization found responsible for Hazing in violation of University policy. However, in accordance with the Stop Campus Hazing Act, no CHTR will be published or updated unless a covered hazing violation occurs hazing violation occurs during the relevant period.

## **Safety and Security**

### **Campus Safety and Security Purpose**

The FNU Safety and Security procedures and policies are intended to reflect the basic response individuals should take in the most common emergencies likely to be experienced at the University and to define the management model to be employed when the University must respond to major emergencies of all types. In responding to major emergencies, priority will always be placed on preventing or minimizing harm or injury to individuals, minimizing damage to University assets, and restoring normal operations in the shortest possible time frame.

The University is committed to maintaining a high state of emergency preparedness by educating community members on their roles and responsibilities, conducting regular vulnerability assessments, regularly reviewing and revising policies and procedures, providing prepositioned emergency response resources, and routinely testing and evaluating emergency response plans.

## How to Report a Crime

All students and employees are encouraged to report criminal actions or other emergencies as soon as possible to campus security authorities or local law enforcement accurately and promptly. To report on-campus crimes and incidents to the University, go immediately to the Campus Deans, Title IX Coordinators, or the Student Services Office, who are the campus security authorities. In case of an emergency, any administrator, or staff member can be approached and they will assist immediately or refer you to the appropriate person.

FNU Security (Third Party Agency – SFM Security) has a limited enforcement role. They monitor and report incidents to one of the above mentioned campus security authorities. They cannot make arrests. In the case of life threatening events or any other crime, you may call 911 and/or file a report with the local Police Department.

For all incidents, including crimes, an Incident Report will be completed and recorded in the Campus Incidents Log (and Crime Log in case of a crime), maintained by the Campus Dean and the Office of Student Services on each campus.

Confidentiality can be maintained up to the extent allowed by law. The name of the person reporting may be kept confidential, but any incident has to be reported to the Office of Student Services so it may be included in the crime log and the annual security report without disclosing the person's name or any other information that would lead to identify the person and/or infringe on his/her confidentiality. If the situation cannot be resolved without disclosing the name of the complainant or the situation is not appropriate to this type of arrangement, then the name of the complainant may have to be disclosed in order to conduct an investigation. Complaints against students are protected under the Family Education Rights and Privacy Act (FERPA), and may be disclosed for legitimate educational purposes within the university. Unless a FERPA exception applies (including with respect to health and safety), to share the information outside of the university the complainant would have to give explicit permission for the information to be shared through the Disclosure of Information Form available at the FNU Publications webpage and at the Office of the Registrar.

Complainants have to be notified of the possible extent of the Confidentiality policy and should understand what this policy would mean in terms of the disclosure of their identity when filling a complaint or disclosing a crime. Medical records are meant to be confidential and medical and health professionals are required to maintain confidentiality in regards to the patient's information.

Florida National University does not employ pastoral or professional counselors. Therefore, there are no relevant procedures regarding the reporting of crimes to such counselors. All students and employees are encouraged to report any criminal actions or other emergencies as described above.

## Reporting of Criminal Offenses

### **Emergencies**

911

### **Calling from University Phone**

9-911

### **Human Resources at FNU**

(305)821-3333 ext. 1073/1098

### **Student Services at FNU**

(305)821-3333 ext. 1113

### **FNU Title IX Coordinator**

(305)821-3333 ext. 1221

### **FNU Deputy Title IX Coordinator**

(305)821-3333 ext. 1024

### **FNU Hialeah Campus Dean**

(305)821-3333 ext. 1015

### **FNU South Campus Dean**

(305)226-9999 ext. 1603

### **FNU Training Center Campus Dean**

(305)231-3326 ext. 1503

## Daily Crime Log

While each incidence of campus criminal activity is reported to the President's Office, each Dean keeps a record of the criminal activity on their campus and a Daily Crime Log is kept by the Campus Dean and the Office of Student Services on each campus. The Daily Crime Log includes the nature, date, time, and general location of each crime and the disposition of the same, if known.

## Law Enforcement and Jurisdiction

Florida National University maintains a cooperative relationship with the Hialeah Police Department and Miami Dade Police Department and other surrounding law enforcement agencies as applicable. This includes collaboration with first responders during incidents on campus and university events, and the investigation of crimes if required. There are no Memoranda of Understanding (MOU).

There are no non-campus locations of student organizations (including student organizations with non-campus housing facilities) officially recognized by Florida National University. Therefore, there is no monitoring or recording (including through local police agencies) of criminal activities at non-campus locations.

## Reporting of On-Campus Crimes and Incidents Compliance

According to the Clery Act, Florida National University must collect campus crime statistics. This law applies to crimes reported to the police and to campus security authorities. The details of any such report will not be made public. Only the number of crimes occurring will be released. The victim's name will not be released. (The victim's name is not required for a report, but it will help ensure the crime is not counted twice.) Victims or witnesses to are encouraged to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

On an annual basis, the FNU Director of Student Services requests crime grid reports from the local law enforcement authorities with jurisdiction over the campus and non-campus locations as defined under Clery.

For purposes of collecting statistics on campus crime for submission to the Department of Education and inclusion in FNU's annual security report, Clery geography includes each campus, non-campus locations (athletic facilities used by FNU), and public property immediately adjacent to the campus/facility address. As of September 2024, FNU does not have any recognized student organizations with noncampus locations

Campus Crime report form may be found at the FNU Website under Publications:

[Florida National University Publications](#)

## **Security and Access to Campus Facilities**

Access to all campuses is granted to students, faculty and staff and by invitation only for general public. To be allowed on premises all stakeholders have to wear an identification card and visitors have to report to the Receptionists of the campus, to enter and circulate around the premises visitors have to be escorted by the host or designee.

FNU Security (Third Party Agency – SFM Security) has a limited enforcement role. They monitor and report incidents to one of the above mentioned campus security authorities. They cannot make arrests. In the case of life threatening events or any other crime, you may call 911 and/or file a report with the local Police Department.

All campuses are secured with master alarm systems which are activated according to a day/night duty schedule. The Hialeah Campus is also monitored by video cameras.

All members of the University community must wear the University ID at all times.

### **Identification Card**

Students, faculty and staff are issued a picture identification card. This identification card must be worn at all times. If you are not wearing an identification card, you will not be allowed on the premises. In the event that a student is expelled or suspended from FNU, the student must immediately surrender his/her FNU identification card to the Campus Dean. The cost of the identification card is \$5.00. Each replacement I.D. card will be charged \$5.00.

The identification card is needed for the use of University facilities and services. University ID may be worn only by the person whose name appears on the ID.

### **Parking Decal**

For the safety and security of faculty, students, and staff, all motorized vehicles parked in FNU parking facilities are required to have an FNU parking decal affixed to the vehicle's lower right/left back window.

## Visitors on Campus

All visitors on campus have to report to the Reception of the Campus and be escorted and accompanied by the person being visited. Visitors are not allowed in the classrooms or the classroom areas except as determined necessary or appropriate by FNU.

## Rules of Prevention

1. Being certain that automobiles are tightly closed and locked. Never for an instant leave the keys in a car or the car without security precautions.
2. Never leaving visible packages or similar personal items in a car, even though it is locked.
3. Purses, coats or personal property should never be left out of the owner's reach.
4. Never leaving books and class lab materials in unattended classrooms.
5. Never allowing prescription medicines to leave the possession of the owner.
6. Reporting drug taking, or possession or sale of drugs on campus to the Campus Dean's office, remembering at all times that persons who take, possess or sell drugs are a threat to themselves and everyone in the community.
7. Reporting to the Dean's Office possession, use, buying or selling of alcoholic beverages.
8. Reporting unsecured equipment or classrooms to the maintenance personnel or Dean's Office.
9. Turning in lost and found articles to the receptionist immediately.
10. Never inspect your wallet and/or count your money in public.

## Crime Prevention

The Campus Deans will work with the Student Services Office to direct a program to inform students and employees regarding crime prevention and security procedures and practices.

The Student Services Office seeks opportunities to heighten the awareness of crime prevention and security awareness in order to provide strategies. At each orientation, every eight weeks, new students are reminded of security by a member of the Student Services staff. The necessity of security measures and community members' obligation to look out for each other and the security of the institution is emphasized. This portion of the orientation covers topics such as

crime prevention, street smarts, maximizing safety on campus, sexual assault education, fire/ evacuation safety, and alcohol/substance abuse.

For employees and faculty, information about crime prevention is included in FNU's Staff Handbook and Faculty Handbook, which new employees and faculty receive and are required to acknowledge upon hiring. Employees and faculty should refer in particular to the Crime on Campus Policy, Crime Prevention Rules, Abuse Prevention Policy, and related handbook sections.

Similarly, all students and employees are reminded of crime prevention information on an ongoing basis through their annual receipt of the Annual Security Report (prospective students and prospective employees also receive the Report). In addition to this section of the Report, readers are encouraged to refer to the sections titled:

- Rules of Prevention
- Security & Access to Facilities
- Sexual Crimes, Dating/Domestic Violence, & Stalking Information

With respect to sex-based discrimination and harassment issues, information on Title IX, including Title IX Coordinator names and detailed contact information is distributed to the campus community as required. Links to Title IX Policy are available via the FNU website and the University Catalog:

### Florida National University Publications

## **Personal Property – Lost and Found**

The safeguarding of personal effects in the offices, classrooms, or anywhere on the University campus is the responsibility of the individual owner. The University carries no insurance on personal property loss and, consequently, cannot accept responsibility for loss of personal effects, including cash. Keep your personal effects with you at all times. Report all crimes to the Campus Dean or the Office of Student Services.

*In the event that you lose or find any item, please notify the receptionist immediately.*

## **Soliciting, Selling, Advertising, Etc. On Campus**

No solicitation, product sales or advertising shall be allowed on the campuses of Florida National University without a permit from the Campus Dean Office, and/or the University Administration.

## On-Campus and Off-Campus Organizations' Events

The following conditions must be fulfilled for on-campus organizations and off-campus organizations to hold events, solicit or advertise on any of the University campuses.

On-Campus Organizations must:

- Complete a Use of Facilities request and get the approval of the Campus Dean.
- Submit Use of Facilities requests no less than 4 weeks prior to the activity/event.
- Clearly identify the sponsoring organization.

Off-campus Organizations must:

- Complete a Use of Facilities request including the required supporting documentation and be approved by the Campus Dean.
- Submit Use of Facilities requests no less than four weeks prior to the activity/event.
- Be sponsored by an on-campus organization in order to solicit on campus.
- Assume all responsibility and legal liability arising from and in the use of the aforementioned property. The organization further agrees to indemnify, save and hold harmless the University and its employees, agents and owners from any liability arising out of the use of this property.
- Abide by all the rules, standards, or requests made by the University relating to the use of these facilities and to adhere to all safety and fire code requirements as set forth by the University and to instruct participants to adhere to same.
- Agree to follow all University policies and procedures as well as all Local, State and Federal Laws and Regulations.
- Provide, if required, proof of current liability insurance and a certificate of insurance specific to the activity/event with appropriate amount to cover the activity, evidencing Florida National University Inc. dba Florida National University and American Educational Enterprises LLC as additional insured in the amount of \$1,000,000 (million) per occurrence and \$2,000,000 (million) Aggregate. Insurance must be provided four weeks before the activity/event.

*This procedure applies to all University employees, students, and visitors. Vendors may obtain information in regards to events at any of the University Campus from the Office of Student Services or the Campus Dean Office.*

## **Smoke Free Campus**

All FNU Campuses are smoke free. Smoking is prohibited inside the facilities of the University. Smoking is allowed only on designated areas.

## **Emergency Procedures Timely Warning Policy**

In compliance with the “Timely Warning” provision of the Clery Act, Florida National University issues campus wide alerts regarding any Clery Act crime that may constitute a continued threat to the campus community. Timely warnings may be issued for threats to persons or property.

The issuing of a timely warning is made on a case-by-case basis, taking into consideration the nature of the crime, the continuing danger, and the risk of compromising any ongoing investigation. Upon notification that a Clery Act crime has been committed, the appropriate Campus Dean or Assistant Dean shall issue the Timely Warning.

The methods employed to notify the campus may include but are not limited to:

- Announcement over the interoffice intercom
- Room by Room Announcement
- A “Timely Warning” flyer posted at the campus entrance
- RAVE Alerts via text, email and phone call

## **Emergency On Campus**

Students have readily available information regarding fire safety and prevention, emergency procedures, and evacuation procedures outlined in the Safety Manual and Emergency Response Procedures, each of which can be found on the University Publications Page:

### **[Florida National University Publications](#)**

Designated fire equipment including fire doors, extinguishers, and fire alarms are to be used only in emergencies. Blocking, tampering with, or any misuse of equipment is strictly prohibited and may result in criminal prosecution and/or disciplinary action by the University.

Evacuation and fire drills to test the University's emergency response and evacuation procedures occur at least once per term at each campus and are not announced to students, faculty or staff. These drills provide students and employees opportunities to test the different methods used for emergency notifications and to practice following the evacuation procedures. Each test is documented by the Student Services Office. A description including the date, time, campus, and duration of each drill, and the fact that it was unannounced, are maintained as documentation. FNU will also publicize its emergency response and evacuation procedures in conjunction with at least one test per calendar year.

Additional information regarding Evacuation, Reverse Evacuation, Lockdown and Shelter-in-Place procedures can be found in the Safety Manual referenced above.

## **Emergency Management Team**

Individuals in the following positions may serve on the Emergency Management Team at the direction of the President or designee:

- Members of the Senior Management Team (President, Vice Presidents and Campus Deans)
- Student Services staff
- Department and Division Heads

The President or designee shall direct the University response to major emergencies or disasters, and may delegate authority to an Emergency Management Team for implementation of operational responses to critical incidents that impact the University. When activated the mission of the Emergency Management Team shall be to coordinate the University response to a critical incident, emergency, or disaster in the safest, timeliest, and most effective manner possible. The Emergency Management Team is authorized to utilize and commit any available University resources including personnel, facilities, tools, or other assets deemed necessary to minimize the potential for harm or injury to individuals, or to minimize damage to or loss of University assets.

The actions of the Emergency Management Team shall in all instances be guided by the following objectives and principles:

Protection of the life and safety of all members of the University community.

Containment /mitigation of emergency situations, and assessment of damages.  
Restoration of routine University operations.

The Emergency Management Team is authorized to make any administrative decisions necessary to accomplish its mission including but not limited to:

- Declaring a state of emergency; canceling classes
- Ceasing normal business operations
- Closing the campus to visitors
- Initiating mutual aid agreements
- Contracting for emergency services
- Or any other actions that may be prudent and necessary to ensure an effective response to the circumstances being confronted.

It is anticipated that as incident management operations progress, the administrative control of the University will incrementally transition from an emergency command structure back to normal University organizational structure, policies, procedures, and routines.

## **Emergency Notifications**

An Emergency Notification is triggered by an event that is currently occurring on campus or imminently threatening the Florida National University campus community.

Florida National University will initiate and provide, without delay, an immediate notification to students and employees upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. Existence of such emergency or dangerous situation is to be confirmed by the campus security personnel, local first responders and/or other appropriate authorities. Once confirmed, the content of the Emergency Notification is prepared by the Emergency Management Team as warranted to protect the safety of the community in the specific situation. An Emergency Notification is disseminated to the entire campus community, unless the Emergency Management Team determines community safety would be better served by sending the notification only to segment or segments of the community. The Emergency Management Team initiates the Emergency Notification system without delay, unless a notification, in the professional judgment of the Emergency Management Team, would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

FNU uses RAVE for its primary Emergency Notification system. A Text Message – RAVE Alert for students, faculty, and staff in the event of an emergency on campus will be sent through RAVE. It is mandatory to report any contact information to:

- Students – Student Services Office
- Staff and Faculty – Campus Deans and Human Resources Office

IT Department keeps record of and updates periodically a contact list with all students, faculty and staff primary phone number and email, connected to the

RAVE Alert-emergency reporting system to guarantee all FNU stakeholders can be reached if an emergency occurs.

The University also may, in appropriate circumstances, disseminate emergency information to the larger community through press releases, website updates, social media updates, and/or local media. The Emergency Management Team is responsible for determining whether an emergency situation on campus may be expected to threaten the health and safety of those nearby campus, and if so, whether further dissemination is warranted and appropriate. The University may also utilize various public address (PA) systems, or post bulletins on building entrances and exits.

## Missing Students

Florida National University does not have an on-campus student housing facility. Since the institution does not have an on-campus facility, there is no list of titles of the persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours.

In cases where a student, employee or other individuals need to be reported as missing it is referred to do the following:

1. Contact the local police department as soon as you have reason to worry. (911)
2. Ask to file a missing person's report.
3. Provide the police with information about the missing person.
4. Keep a record of the report.
5. Contact the National Missing and Unidentified Persons System (NamUs) or any other database or resource.
  - [U.S. Department of Justice – Report and Identify Missing Persons](#)
  - [National Missing and Unidentified Persons System \(NamUs\)](#)
  - [Miami Dade County Missing Persons](#)
  - [Miami Dade County Unidentified Persons](#)
  - [Broward County Missing Persons](#)
  - [Florida Department of Law Enforcement Unidentified Persons or Deceased Persons](#)

If a student or individual has been reported as missing, Florida National University can disclose attendance and release surveillance footage, if available, to Law Enforcement Officials. In cases of employees being reported as missing, Florida National University has emergency contact information of employees and above mentioned attendance can be disclosed to emergency contact person. Surveillance footage can only be released to Law Enforcement Officials.

Students under 18 and not emancipated that parents and contact will be contacted within 24 hours of being determined missing. If a student 18 and

above is determined to be missing, FNU will notify Local Law Enforcement agents within 24 hours of the determination that the student is missing.

## **Policies, Programs, Procedures**

### **Code Of Behavior And Disciplinary Procedures**

- Students will come to class on time, visibly wearing their student ID card.
- All students will bring textbooks and other materials to class every day.
- Breaks will be kept within the designated time frame of twenty minutes.
- The student should follow all safety rules. All students with long hair must wear hair bands in lab facilities and other locations as needed for safety.
- Students are expected to be generally in proper attire while they are on FNU grounds.
- Guests and visitors will not sit in the classrooms while instruction is going on unless deemed necessary or appropriate by FNU administration, and under no circumstances will non-student children be allowed in the classrooms.
- Eating and drinking are permitted only in the lounge. Smoking is not permitted in any university building.
- No alcohol or drugs are permitted on school grounds. Failure to comply may result in expulsion.
- Allied Health students are required to wear the FNU medical uniform at all times on campus.
- Serious disturbances of order on campus will lead to suspension or possible expulsion.
- Respect for personal and university property, and a sense of responsibility about their own security and the security of others, is expected of all students at all times. Serious violations will be presented to the University Honor Court for adjudication.
- We expect all students to be of good moral character and to abide by all federal, state and local laws.
- Students must comply with FNU's Computer Use and Copy Infringement Policies at all times.

Disciplinary responsibility at FNU resides with the following:

- The Instructors, who have the responsibility and authority necessary for good classroom discipline.
- The Campus Deans, who are responsible for student discipline on their individual campuses both in and out of the classroom.
- The Honor Courts, which are convened at the call of the Campus Dean.
- The President of the University, who has the ultimate responsibility and authority to receive and finalize all appeals as well as initiate actions through the above offices.

- **Expulsion:** This is a permanent separation and removal from the University. Expulsions must be determined by the Vice-President of Academics if it is an academic issue or the Campus Dean if it is a disciplinary issue. This action requires a student to be withdrawn from all classes, banned from the University facilities (subject to arrest for trespassing), rendered ineligible to register for any University class, and prohibited from participating in University activities. A student who is expelled from the University is responsible for all financial obligations to the University.
- **Suspension:** This action requires a student to be withdrawn from his/her present classes, banned from all University facilities and activities and ineligible to register for classes for the period of the suspension. A student who is suspended from the University is responsible for all financial obligations to the University. If a student further violates the Code of Conduct during the period of suspension or after returning to the University, the student then will be expelled.

## FNU Victim's Bill of Rights

A complainant who has been a victim of dating violence, domestic violence, sexual assault, or stalking has the following rights:

1. To receive information about importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.
2. To have control over making decisions about whether to cooperate with law enforcement authorities, including on-campus and local police and to be assisted by campus authorities in notifying law enforcement.
3. To decide to Decline to notify such authorities
4. To receive information about orders of protection, no-contact orders, or restraining orders available in the jurisdiction.
5. To be assured of confidentiality by FNU to the extent possible and consistent with the University's procedures for resolution of the complaint.
6. To receive written notification of supportive measures available from FNU and in the community (regardless of whether the complainant chooses to report the matter to the campus security or local law enforcement) and how FNU will keep those supportive measures confidential to the extent possible.
7. To be notified of FNU's procedures for institutional disciplinary action in the case of alleged dating violence, domestic violence, sexual assault, or stalking.

Locally, victims can obtain forensic examinations at [Roxcy Bolton Rape Treatment Center \(RTC\)](#). RTC services are at no cost to the survivor and are completely confidential regardless of police involvement or reporting status.

Having a forensic examination done will help preserve evidence in case a victim decides to late file a police report.

**Roxcy Bolton Rape Treatment Center (RTC)**

1611 N.W. 12th Avenue,  
1st floor, room 116A  
Miami, FL, 33136

305-585-7273

Monday to Friday, 11:30 a.m. to 8 p.m.

## **Investigation Of Crimes By Law Enforcement**

The University will fully cooperate with law enforcement entities involved in the process of investigating crimes occurring at any of the FNU campuses or any facilities controlled by the University.

## **Dangerous Items Policy (Firearms, Fireworks, Bombs and Weapons)**

Firearms, fireworks, bombs or explosives of any kind, and other weapons are prohibited on University premises. Weapons include any item defined as a weapon under city, state, or federal law and include but are not limited to: guns of any kind, slingshots, bows and arrows, spears, knives or any blades, martial arts weapons, brass knuckles, or any instrument that ejects projectiles. The University reserves the right to determine whether an item could be classified as dangerous and/or prohibited.

## **University Policy on Drug, Alcohol, and Substance Abuse on Campus**

Florida National University is a Drug-Free Workplace. Standards of conduct clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.

FNU reserves the right to terminate, suspend and/or put on probation any student or employee who is under the influence of alcohol or drugs while on the University premises.

The University has a Drug and Alcohol Abuse Prevention Program which follows the guidelines for such programs as required under section 1213 of the Higher Education Act of 1965 and as amended by the Drug Free Schools and Communities Amendments of 1989. The Program can be accessed on FNU's Consumer Information webpage.

Users can access the [Consumer Information](#) webpage at link or by navigating to the Admissions & Financial Aid menu on our website.)

FNU supports and abides by the drinking laws of the State of Florida, especially with respect to underage drinking. The University further supports Federal and State Laws on the sale, possession and use of illegal drugs or alcoholic beverages.

## Hate Crimes Information

“For the purposes of collecting statistics, the FBI has defined a hate crime as a “criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.” Criminal offenses include Criminal Homicide (Murder/Non-Negligent and Negligent Manslaughter; Forcible Sex Offenses (Rape; Sodomy; Sexual Assault; and Fondling); Non-Forcible Sex

Offences (Statutory Rape); Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson; as well as Larceny Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism.

There are numerous ways available within the University to report a hate/bias-related crime. Hate/Bias crimes may be reported to the Student Services Office, Campus Dean or any University administrator. All crime emergencies on campus may be reported to Campus Security, University personnel or by calling 911. However, 911 should be immediately called in cases of imminent danger.

## Registered Sex Offenders

In compliance with the “Campus Sex Crimes Prevention Act” of 2000, Florida National University maintains an electronic link to the Florida Department of Law Enforcement Sex Offender Registry. According to this act, all institutions of higher learning must issue a statement informing the campus community where it can access the state sex offender registry. This act also requires State registered sex offender to report any institution of higher learning in which he/she is employed, carries a vocation, or is a student.

The Florida Department of Law Enforcement is responsible for maintaining the Florida Sexual Offenders and Predators website. Follow the link below for access.

<http://offender.fdle.state.fl.us/offender/sops/home.jsf>

## Sexual Crimes, Dating/Domestic Violence, & Stalking Information

**Florida National University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking.** This prohibition extends to students, employees, visitors to campus, and any member of the University community.

This section discusses primary and ongoing programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking.

The Student Services Office seeks opportunities to heighten the awareness of crime prevention and security awareness in order to provide strategies. At each orientation, every eight weeks, new students are reminded of security by a member of the Student Services staff. The necessity of security measures and community members' obligation to look out for each other and the security of the institution is emphasized. This portion of the orientation covers topics such as crime prevention, street smarts, maximizing safety on campus, sexual assault education, fire/ evacuation safety, and alcohol/substance abuse.

Any member of the University community may file a report of Dating Violence, Domestic Violence, Sexual Assault and or Stalking with the Title IX Coordinator or Deputy Coordinators (collectively, the "Title IX Coordinators"). The contact information for the Title IX Coordinators is included at the end of this policy. The complainant may also report these matters to any of the following employees: Campus Dean, Associate Dean, Assistant Dean, Vice President of Academic Affairs, Associate Vice President of Academic Affairs, Vice President of Operations, Student Services Director, or Athletic Director. It is the responsibility of that individual to file the report with one of the Title IX Coordinators.

Reports should be filed using the Title IX Grievance Form which is available online at <https://www.fnu.edu/Publications/Title-IX-Grievance-Form.pdf> or from the Office of Student Services or the Title IX Coordinators. Grievance Forms should be submitted directly to one of the Title IX Coordinators or the Director of Student Services.

Locally, victims can obtain forensic examinations at **[Roxcy Bolton Rape Treatment Center \(RTC\)](#)**. RTC services are at no cost to the survivor and are completely confidential regardless of police involvement or reporting status. Having a forensic examination done will help preserve evidence in case a victim decides to late file a police report.

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305-585-7273

Monday to Friday, 11:30 a.m. to 8 p.m.

**Important Definitions:**

- *"Dating Violence"*

- Under federal Department of Education regulations, “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- Under Florida law (Section 784.046 of the Florida Statutes), “dating violence” 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 dating relationship must have existed within the past 6 months; The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and 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. 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.
- *“Domestic Violence”*
  - Under federal Department of Education regulations, “domestic violence” means A felony or misdemeanor crime of violence committed—(A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  - Under Florida law (Section 741.28 of the Florida Statutes), “domestic violence” 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 or have in the past resided together in the same single dwelling unit. (Domestic Violence includes: Physical Abuse—Pushing, slapping, kicking, punching, choking, and beating; Emotional/Verbal Abuse—Verbal intimidation, credible threats, following and stalking, acting out in anger; Sexual Abuse or Battery—Any unwanted touching or forcing of someone to engage in a sexual act against his or her will.)

- *“Sexual Assault”*
  - Under federal Department of Education regulations, “sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program. For this purpose: “Rape” is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. “Fondling” is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. “Incest” means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. “Statutory rape” means sexual intercourse with a person who is under the statutory age of consent.
  - Under Florida law, (Section 784.046 of the Florida Statutes), “sexual violence” (which includes sexual assault) is an incident of sexual battery (defined as oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose); a lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age; luring or enticing a child; sexual performance by a child; or any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.
- *“Stalking”*
  - Under federal Department of Education regulations, “stalking”

means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress. For the purposes of this definition, “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; “reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim; and “substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- Under Florida law (Section 784.048 of the Florida Statutes), “stalking” occurs when a person willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person. Aggravated stalking occurs when the person makes a credible threat to the other person through stalking.
- “Consent”
  - Under Florida law (Section 794.011(1)(a) of the Florida Statutes), “consent,” in the context of sexual activity, is defined as 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.
  - Consistent with Florida law, FNU defines consent as an intelligent, knowing, and voluntary agreement to engage in a specific activity, and shall not be construed to include submission obtained by force, intimidation, threat, blackmail, extortion, or any other method of coercion or duress.

## **Bystander Intervention**

A bystander is someone who observes an emergency or a situation that looks like someone could use assistance. They must then decide if they are comfortable stepping in and offering assistance, called “bystander intervention.” Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective

intervention options, and taking action to intervene.

Bystander intervention is particularly important to preventing dating violence, domestic violence, sexual assault and stalking. FNU therefore seeks to equip its community with safe and positive strategies for bystander intervention. These strategies flow from the following four core principles:

- **OFFER SUPPORT** if you suspect that a person is being abused, subjected to violence, or has been sexually assaulted or stalked.
- **SPEAK OUT** against all forms of violence or abuse, including sexual violence, dating violence, domestic violence.
- **BE AN ADVOCATE** for preventing violence and abuse.
- **MODEL** behavior that values respect for others and promotes positive, pro-social behavior.

FNU wishes to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence and other crimes without causing or facing further harm. One may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. **As always, if you or someone else is in immediate danger, dial 911.** This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

However, when it is safe to do so, we urge all members of the FNU community to:

- Watch out for friends, classmates and fellow students or employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated, as long as you can do so safely.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off-campus resources listed in this document for support in health, counseling, or other assistance.

## Risk Reduction

Risk reduction means options designed to decrease the likelihood of a crime and bystander inaction, and to increase empowerment for victims in order to

promote safety and to help individuals and communities address conditions that facilitate violence.

While FNU recognizes that abusers—and only abusers—are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or other crimes or harassment:

- Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Try to avoid isolated areas. It is more difficult to get help if no one is around. Don't allow yourself to be isolated with someone you don't trust or someone you don't know. Also, try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Make sure your cell phone is with you and charged and that you have a means of transportation if needed.
- When you go to a social gathering, go with a group of friends. Arrive together, check-in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other common open containers.
- Watch out for your friends and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately. If you suspect you or a friend has been drugged, call 911 immediately.
- **Most Importantly—Trust Your Instincts.** If you feel unsafe in any situation, trust your feeling. If you see something suspicious, contact law enforcement immediately by dialing 911.

If you need to get out of an uncomfortable or scary situation, here are some strategies you can keep in mind:

- Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to

do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- If you don't want to hurt the person's feelings (or are afraid of how they might react), it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

These principles and strategies are based on recommendations by the Rape, Abuse, & Incest National Network. We encourage community members to review the range of additional resources and information offered by RAINN (<https://www.rainn.org/articles/staying-safe-campus>).

## **Primary and Ongoing Prevention Programs**

Florida National University educates the University community about prevention of dating violence, domestic violence, sexual assault, and stalking—including the principles described above—through the Office of Student Services. The Office of Student Services provides literature on date rape education, risk reduction, and university response via annual sexual assault education, once per semester informational programs for new University students, and other means described below.

Ultimately, FNU engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns that focus on ending dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and that consider environmental risks and protective factors as they occur on the individual, relationship, institutional, community and societal levels. To assess its programming for value, effectiveness and/or outcome, FNU primarily monitors the prevalence of reported incidents to ensure they remain low, among other appropriate steps.

## Primary Prevention Programs

FNU's educates its community about the principles described above through primary prevention and awareness programs for incoming students and new employees.

Incoming students are primarily educated about these principles during a mandatory student life skills course. Prospective FNU students also receive, and are encouraged to review in detail, the related information in this Annual Security Report. (Note regarding updated version of Annual Security Report: this content was addressed through a student life skills course during the period covered by this Report. For new incoming students, the content is addressed during new student orientation.)

New employees are educated about prevention of abuse and violence, in the first instance, through receipt of the Staff Handbook (and Faculty Handbook, if applicable), including through such handbooks' provisions on abuse prevention, workplace conduct, and employee code of conduct. New employees also receive and acknowledge a copy of this Annual Security Report, and are expected to review in detail the related information in this document.

## Ongoing Prevention Programs

Having been offered FNU's primary prevention training programs at or near the time they join the FNU community, FNU relies primarily on the annual distribution of Annual Security Reports to all members of the University community to provide ongoing education and promote awareness of the prevention of dating violence, domestic violence, sexual assault, and stalking. Community members are strongly encouraged to review the related information in this Report each year to remain abreast of practices for the prevention of dating violence, domestic violence, sexual assault, and stalking.

In addition, all FNU employees are required to attend a range of further trainings each year, including regarding preventing unlawful harassment, ethics and appropriate conduct. Additional training for faculty may occur during certain Faculty Workdays.

## Procedures for Victims of Dating/Domestic Violence, Sexual Assault or Stalking; Confidentiality and Other Important Information

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, first seek safety and then immediate medical attention. Florida National

University strongly encourages any victim to report the incident in a timely manner. Time is a critical factor in the collecting and preserving of evidence. (Ideally a victim of sexual assault should not wash, douche, use the restroom, or change clothes prior to a medical examination.) An incident may be reported to the local police department by dialing 911. Alternatively, a victim may report the incident to the Campus Dean who can assist with reporting to the local police if the victim so chooses. A victim may also decline to report an incident to campus authorities or law enforcement authorities if the victim so chooses.

FNU will protect the confidentiality of victims and other necessary parties to the extent permitted by law while complying with the recordkeeping for the crime statistics. Reporting and disclosures may be completed without the inclusion of personally identifying information about the victim.

FNU will maintain as confidential any accommodations or protective measures provided to the victim, to the extent maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures or otherwise be prohibited by law. This statement is applied to Dating Violence, Domestic Violence, Sexual Assault and to Stalking.

FNU will provide written notification to victims about:

- How to request changes to academic, living, transportation, and working situations or protective measures, and available assistance in seeking such changes or measures. FNU will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement;
- Student and employee rights and options upon receiving a report that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus; and
- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, students and employees, both within the institution and in the community. This information will be available with the Director of Student Services.

## **Disciplinary Action - Dating or Domestic Violence, Sexual Assault or Stalking**

All alleged sex offenses, involving dating violence, domestic violence, sexual assault, or stalking, are subject to FNU disciplinary action and will be adjudicated as discussed below (see “Procedures for Reporting Sex Discrimination and Sexual Harassment” and related sections). Hearings will be conducted by Title IX Coordinator, Title IX Deputy or be conducted by officials

who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability, and will include a prompt, fair, and impartial process from the investigation process all the way to the final result. The decision will be made based on a clear and convincing evidence standard. This statement applies to all students and employees.

Both the victim and the accused are entitled to choose one person to accompany them throughout the hearing, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. Both the victim and the accused will be informed simultaneously of the outcome of the hearing that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking

FNU will respond promptly in a manner that is not deliberately indifferent (i.e., clearly unreasonable in light of the known circumstances) to all formal complaints of sexual harassment. FNU plans to conclude the grievance process in a reasonably prompt time frame. Any time frames listed below are subject to change for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Written notice of any delay or extension and the corresponding reasons will be provided simultaneously to the complainant and the respondent. Timeframes may also be extended to account for regularly scheduled breaks between school terms or school recesses.

A student found guilty of sexual misconduct, dating violence, domestic violence, sexual assault, or stalking will be expelled from FNU and/or could be criminally prosecuted. An employee found guilty of sexual misconduct, dating violence, domestic violence, sexual assault, or stalking will be fired from FNU and/or could be criminally prosecuted.

FNU also strongly advises victims of sexual assault to seek professional counseling.

The following is a list of emergency, crisis and other important counseling and resource information contacts:

<p><b>Emergencies</b> 911</p> <p><b>Human Resources at FNU</b> (305)821-3333 ext. 1073/1098</p> <p><b>Student Services at FNU</b> (305)821-3333 ext. 1113</p> <p><b>FNU Title IX Coordinator</b></p>	<p>(305) 226-9999 ext. 1221</p> <p><b>FNU Deputy Title IX Coordinator</b> (305)821-3333 ext. 1024</p> <p><b>National Suicide Prevention Lifeline</b> 1(800)273-8255</p> <p><b>National Domestic Violence Hotline</b></p>	<p>1(800)799-7233</p> <p><b>National AIDS's Hotline</b> 1(800)232-4636</p> <p><b>Crime Victims' Services</b> 1(800)226-6667</p> <p><b>Planned Parenthood Hotline</b> 1(800)230-7526</p>	<p><b>Baptist Health-Women's Health Center</b> 1(833)692-2784</p> <p><b>National Hotline for Missing &amp; Exploited Children</b> 1(800) 843-5678</p>
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**RAINN-Rape, Abuse & Incest National Network (RAINN)**  
1(800)656-4673

**National Domestic Violence/Child Abuse/Sexual Abuse**  
1(800)799-7233

**Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline**  
1(800)662-4357

**Calling from University Phone**  
9-911

## **Procedures For Reporting Sex Discrimination And Sexual Harassment**

Any member of the University community may file a report of sex discrimination or sexual harassment with the Title IX Coordinator or Deputy Coordinators (collectively, the “Title IX Coordinators”). The contact information for the Title IX Coordinators is included at the end of this policy. The complainant may also report these matters to any of the following employees: Campus Dean, Associate Dean, Assistant Dean, Vice President of Academic Affairs, Associate Vice President of Academic Affairs, Vice President of Operations, Student Services Director, or Athletic Director. It is the responsibility of that individual to file the report with one of the Title IX Coordinators.

Reports of alleged discrimination or harassment should be filed using the Title IX Grievance Form which is available online at <https://www.fnu.edu/Publications/Title-IX-Grievance-Form.pdf> or from the Office of Student Services or the Title IX Coordinators. Grievance Forms should be submitted directly to one of the Title IX Coordinators or the Director of Student Services.

Complainants are encouraged to file reports promptly because the passage of time typically makes it more difficult to conduct an investigation. Further, it is easier to commence legal proceedings (both civil and criminal) against the respondent if the reports are made promptly. Initial Contact with Complainant. Upon receiving a report of sex discrimination or sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures (see below), consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, explain the process for filing a formal complaint of sexual harassment, and describe the grievance process for either sex discrimination or sexual harassment (as appropriate). The complainant will be provided with a copy of the Title IX policy.

If the complainant (student or employee) is reporting an incident of sexual violence, the Title IX Coordinator will also provide a written notification of the available supportive measures, a written notification of existing resources for victims at FNU and in the community (counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial

aid, and other services available for victims), a list of rights and options for victims of sexual violence, information about options for involving local law enforcement and campus security, and options for obtaining a protective order (if relevant). The Title IX Coordinator will offer assistance contacting law enforcement if the complainant desires but will also explain that contacting law enforcement is not required.

## **Supportive Measures**

Upon receipt of a report of alleged sex discrimination or sexual harassment, the Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures with the appropriate department at the University. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to FNU's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or FNU's educational environment, or deter sexual harassment.

Supportive measures are determined on a case-by-case basis and may include counseling, schedule accommodations, academic accommodations, mutual restrictions on contact between the parties, escorts, limitations on extracurricular or athletic activities, increased security and monitoring of certain areas of the campus, and other similar measures. When implementing supportive measures, the University will make every effort to avoid depriving any student of his or her education. FNU will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair its ability to provide the supportive measures. If a complainant reporting an incident of sexual violence requests a supportive measure and it is reasonably available, FNU will provide such measure, regardless of whether the complainant chooses to report the incident to campus police or local law enforcement.

## **Emergency Removal**

In some circumstances, FNU may suspend a student-respondent from its education programs or activities on an emergency basis based on a report of sexual harassment. Before suspending the respondent, FNU will conduct an individualized safety and risk analysis to determine if there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment which justifies the removal of the respondent. If FNU makes the decision to temporarily remove the respondent, FNU will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. The Vice President of

Academic Affairs will make all decisions regarding emergency removal of students. FNU has the discretion to place employee-respondents on an administrative leave of absence during the pendency of the grievance procedure.

## Grievance Process for Formal Complaints of Sexual Harassment

FNU's grievance process provides for the prompt and equitable resolution of formal complaints of sexual harassment through either an informal or formal resolution process (both of which are set forth below). The grievance process includes a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process and FNU will not impose any disciplinary sanctions against a respondent until a determination of responsibility is made. All decision-makers involved in the grievance process are required to make an objective evaluation of all relevant evidence – including both Inculpatory and exculpatory evidence – and credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

### Examples of Inculpatory Evidence

**Witness Testimonies:** Statements from individuals who witnessed the incident or have relevant information about the behavior of the accused and the complainant.

**Physical Evidence:** Items such as clothing, photographs, or other physical objects that may have been involved in or are related to the incident.

**Electronic Communications:** Text messages, emails, social media messages, or other forms of electronic communication that may demonstrate the nature of interactions between the parties involved.

**Medical Records:** Documentation from medical professionals that can show physical or psychological effects consistent with the allegations.

**Surveillance Footage:** Video recordings from security cameras or other sources that might capture the incident or related behavior.

**Behavioral Evidence:** Evidence showing a pattern of behavior by the accused that may suggest a propensity for such actions, like prior similar incidents.

### Examples of Exculpatory Evidence

**Witness Testimonies:** Statements from individuals who can provide an alibi for the accused or who might contradict the complainant's version of events.

**Electronic Communications:** Communications from the accused that could provide context or show that the interaction was consensual or not as described.

**Medical Records:** Evidence from medical professionals that contradicts the complainant's claims or shows no evidence of physical or psychological harm consistent with the allegations.

**Surveillance Footage:** Video or audio recordings that might show the incident didn't happen as described or that provide context that could absolve the accused.

**Character Witnesses:** Testimonies from people who can attest to the accused's character and behavior, providing context for their actions or demonstrating that they are inconsistent with the allegations.

## General Considerations

**Consistency and Credibility:** Assessing the consistency and credibility of testimonies from both the complainant and the accused is crucial.

**Contextual Evidence:** Understanding the context in which the alleged incident occurred can be important in determining the relevance of evidence.

Both inculpatory and exculpatory evidence should be carefully evaluated to ensure a fair and impartial resolution of the case.

The Title IX Coordinator, Investigator, and any decision-makers will receive required training on this process and the handling of allegations of sexual harassment. When an employee is a party to a formal complaint, the Title IX Coordinator will notify FNU's Human Resources Department and the Human Resources staff will be available as a resource to the Title IX Coordinator, Investigator, and decision-makers.

FNU will respond promptly in a manner that is not deliberately indifferent (i.e., clearly unreasonable in light of the known circumstances) to all formal complaints of sexual harassment. FNU plans to conclude the grievance process in a reasonably prompt time frame. Any time frames listed below are subject to change for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Written notice of any delay or extension and the corresponding reasons will be provided simultaneously to the complainant and the respondent. Timeframes may also be extended to account for regularly scheduled breaks between school terms or school recesses.

## Process for Formal Complaints Of Sexual Harassment

A formal complaint of sexual harassment, sexual misconduct, dating violence, domestic violence, sexual assault, and/or stalking must be filed by either the complainant or the Title IX Coordinator before FNU will initiate its grievance process for sexual harassment. If after meeting with the Title IX Coordinator, the complainant decides to proceed with a formal complaint of sexual harassment, the complainant should submit a written statement to one of the Title IX Coordinators in person, by mail, or by electronic mail. The formal complaint must include the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in an education program or activity of FNU. This statement applies to students and employees.

In cases where the complainant does not choose to file a formal complaint but where the Title IX Coordinator after considering all of the circumstances determines that FNU must initiate the grievance process to avoid being deliberately indifferent (such as when an individual or other members of the community may be at risk), the Title IX Coordinator may sign the formal complaint. FNU will not act with deliberate indifference in response to any formal complaint.

FNU may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

## Formal Complaints Of Sexual Harassment

A formal complaint of sexual harassment must be filed by either the complainant or the Title IX Coordinator before FNU will initiate its grievance process for sexual harassment. If after meeting with the Title IX Coordinator, the complainant decides to proceed with a formal complaint of sexual harassment, the complainant should submit a written statement to one of the Title IX Coordinators in person, by mail, or by electronic mail. The formal complaint must include the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in an education program or activity of FNU. In cases where the complainant does not choose to file a formal complaint but where the Title IX Coordinator after considering all of the circumstances determines that FNU must initiate the grievance process to avoid being deliberately indifferent (such as when an individual or other members of the community may be at risk), the Title IX Coordinator may sign the formal complaint. FNU will not

act with deliberate indifference in response to any formal complaint. FNU may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

## **Dismissal of A Formal Complaint**

FNU must dismiss a formal complaint, if at any time during the investigation or hearing, FNU determines that:

- The alleged misconduct does not meet the definition of sexual harassment (Sexual harassment is a form of discrimination that involves unwanted and inappropriate behavior of a sexual nature);
- The alleged misconduct did not occur within FNU's "education program or activity" (defined below); or
- The alleged misconduct occurred against a complainant located outside of the United States.

An "education program or activity" for purposes of a formal complaint of sexual harassment includes locations, events, or circumstances over which FNU exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by FNU.

FNU may also dismiss a formal complaint, if at any time during the investigation or hearing:

1. the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
2. the respondent is no longer enrolled at or employed by FNU; or
3. specific circumstances prevent FNU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

The Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties (complainant and respondent) and will also notify the complainant of the right to appeal a dismissal. See below for more information on appeals. If a formal complaint is dismissed under the Title IX policy, the complainant may still be able to file a complaint under another FNU policy. Students should refer to the Student Handbook and University Catalog, and employees should refer to the Employee Handbook, for additional information. Complaints that are dismissed under the Title IX Policy can be also be filed directly with the Department of Student Services.

## Notice Of Allegations

After receiving a formal complaint of sexual harassment, the Title IX Coordinator will provide a written notice of allegations to the complainant and respondent in advance of an initial interview with the Investigator to give the parties sufficient time to prepare. The notice of allegations will include:

- Notification of the grievance process as well as the availability of an informal resolution;
- A list of the allegations of misconduct, including sufficient details known at the time such as the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notification that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notification that the parties may inspect and review evidence; and 6) the provision in FNU's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. If, in the course of an investigation, FNU decides to investigate allegations about the complainant or respondent that are not included in the original notice of allegations, the Title IX Coordinator must provide notice of the additional allegations to the parties.

## Informal Resolution Process

An informal resolution process may be applied to resolve a formal complaint, except when the complainant is a student and the alleged respondent is an employee. To initiate the informal resolution process, the Title IX Coordinator will review the process with the complainant and the respondent in a timely manner and elicit their interest in engaging this process. Each party must receive written notice disclosing:

- The allegations;
- The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
- That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Both parties must give voluntary, informed written consent to participate in the informal resolution process. To reach an informal resolution, the Title IX Coordinator will initiate whatever steps he or she deems appropriate to effect an informal resolution of the complaint acceptable to both parties.

If a satisfactory resolution is reached through this informal process, the resolution will be documented and signed by both parties. If both parties sign the resolution, they may not then pursue the formal resolution process (i.e., the investigation, hearing, and appeal processes described below). If these efforts are unsuccessful or if the complainant or respondent do not accept the informal resolution, the formal resolution process may commence. The complainant or respondent may request to end the informal process at any time to begin the formal resolution process. The complainant may request to end the informal or formal process at any time prior to a determination.

The University seeks to conclude the informal resolution process within 30 days of the parties deciding to utilize this process, however, the process may be extended for good cause.

## **Formal Resolution Process**

The formal resolution process is used to resolve formal complaints of sexual harassment made by students or employees and includes an investigation, live hearing, determination of responsibility, and appeal. FNU acknowledges that complaints involving sexual harassment are particularly sensitive and demand special attention to issues of confidentiality. Dissemination of information relating to the case will be limited in order that the privacy of all individuals involved is safeguarded as fully as possible. Please see the section titled Confidentiality below for further information. The parties may be accompanied throughout the investigation and at the Title IX hearing by the advisor of their choice. The advisor can be, but is not required to be, an attorney. If a party does not have an advisor for the live hearing, FNU will appoint an advisor of its choice without fee or charge to represent the party during the hearing and this advisor may be, but is not required to be, an attorney.

FNU's Title IX Coordinator or another investigator appointed or retained by the Title IX Coordinator will investigate all formal complaints of sexual harassment in a thorough, impartial, and prompt fashion. FNU reserves the right to decide who will serve as the Investigator, including to retain an outside investigator, on a case by case basis. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on FNU and not on the parties. The Investigator will oversee the collecting of facts related to any reported sexual harassment and will notify and interview complainants, respondents, and witnesses.

Both parties will have the opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence to the Investigator. During the investigation, the complainant and respondent will be provided with copies of or allowed to inspect all evidence collected. Either party may submit responses to the evidence to the Investigator or may submit any additional evidence contradicting or corroborating the evidence collected by the Investigator. However, the Investigator cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional which are made and maintained in connection with the provision of treatment to the party, unless the Investigator obtains that party's voluntary, written consent to do so for the grievance process.

At the conclusion of the investigation, the Investigator will prepare a written Preliminary Investigative Report fairly summarizing the relevant exculpatory and inculpatory evidence. The Investigator will provide the complainant and respondent and their advisors with a copy of the preliminary investigative report allowing a 10-day response period for both parties to review and respond to the report.

Once this 10-day response period is concluded, the Investigator will review any responses received and finalize the report. The complainant, the respondent and their advisors will simultaneously receive a copy of the Final Investigative Report at least 10 days in advance of the scheduled hearing.

The Investigator will investigate the complaint independent of any external law enforcement investigations that may be ongoing. Investigators may need to postpone the investigation until law enforcement has concluded the evidence gathering portion of their investigation but will resume the investigation as quickly as possible.

## Hearing

A hearing will be held for each formal complaint resolved through the formal process. The Title IX Coordinator will provide written notification of the date, time, location, participants, allegations, structure of the hearing and purpose of the hearing, to all parties and witnesses whose participation is invited or expected within 14 days of the hearing to provide sufficient time to prepare to participate.

After the investigation is concluded, the formal complaint and Final Investigative Report will be forwarded to the decision-making panel. A decision-making panel of three members and two alternates (to be engaged in the case of a conflict of interest) will be chosen from the FNU administration to serve as the Title IX Hearing panel and will receive the required training.

The Title IX Coordinators and the FNU President may not serve on the panel. The role of the decision-making panel will be to oversee the resolution of the complaint by interviewing all appropriate parties, including witnesses, determining the relevance of all questions posed under cross-examination, evaluating the relevance of all evidence submitted and rendering a decision of responsibility. The live hearing will be conducted in a manner so that all parties can see and hear testimony at all times. During the hearing, the parties may be in the same room, in separate rooms (at the request of either party), or the hearing may be conducted virtually (in-part or in-whole) as long as there is appropriate technology to allow for the parties, their advisors, and the decision-making panel to see and hear each other at all times. The hearing will be recorded or transcribed, and a copy of the recording/transcription will be provided to both the complainant and respondent for review.

The parties to the formal complaint will be invited to appear before the decision-making panel, present any witnesses and evidence, and confront any adverse witnesses. The panel may conduct its own inquiry, call witnesses, and gather whatever information it deems necessary to assist it in reaching a determination of responsibility. The decision-making panel will enforce the following rules for questioning parties and witnesses:

- Only the advisors for the parties or the panel may question a testifying witness (including a party), but the advisors must be allowed to question each testifying witness (including a party) directly, orally, and in real time. A party may not question the other party or the witnesses.
- All questioning must be conducted in a professional and polite manner.
- Questioners may only ask relevant questions. Before the party or witness answers a question, the panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove a. that someone other than the respondent committed the conduct alleged by the complainant, or b. if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- The panel may not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. If a party or witness does not submit to cross-examination at the live hearing, the decision-making panel must not rely on any statement of that party or witness in reaching a determination regarding responsibility (including a statement made to the investigator during the investigation). The panel cannot draw an inference about the

determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

## Determination Of Responsibility

The decision-making panel will make findings of fact and conclusions as to whether the facts support a finding of responsibility for violation of the University's policies using a clear and convincing evidence standard. Thus, the panel must determine whether it is highly probable (or substantially more likely to be true than untrue) that the conduct occurred.

After the hearing, the decision-making panel will issue a written determination regarding responsibility applying the clear and convincing evidence standard, which will be provided simultaneously to the complainant and respondent. The written determination will include:

- A list of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of FNU's policies or code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- Any disciplinary sanctions imposed on the respondent;
- Any remedies designed to restore or preserve equal access to FNU's education program or activity that will be provided to the complainant; and
- The procedures and permissible bases for the complainant and respondent to appeal.

If the panel determines that it is highly probable that the respondent is responsible for the alleged sexual harassment, it should impose sanctions against the respondent and any additional remedies for the complainant. The Title IX Coordinator should forward the determination immediately to the appropriate campus dean. The campus dean shall proceed in the manner set forth by the University's rules and procedures to implement the sanctions and/or remedies, except that the need for a preliminary review will be precluded.

The panel can recommend the following sanctions if it finds that a student has violated this policy: Suspension, Expulsion, Loss of University Scholarship. If the panel recommends suspension, it may also impose requirements for returning from the suspension (e.g., requirements to complete training). The panel can

recommend the following sanctions if it finds that an employee has violated this policy: Written Discipline, Probation, Suspension Without Pay, Dismissal.

The panel can recommend the following remedies for the complainant: classroom adjustments or changes, academic support (tutoring, mentoring, flexible assignment due dates, allowing the student to make up coursework), allowing the student to retake a course and/or withdraw without penalty, counseling services, protective/no contact orders, or other remedies that may be appropriate given the circumstances. The purpose of remedies is to restore or preserve equal access to FNU's education programs or activities and remedies, unlike supportive measures, they need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. The Title IX Coordinator will be responsible for overseeing the implementation of any remedies in conjunction with the appropriate Campus Dean. The determination regarding responsibility becomes final either on the date that the parties receive the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Appeals are discussed in the following section.

## Appeals

Both parties involved have the right to appeal the determination regarding responsibility or the dismissal of a formal complaint to the President/CEO, who will serve as the Appeals Officer. Notice of intent to appeal must be submitted within 14 days of the written notification of the determination or dismissal, and will be based on one or more of the following grounds:

- Procedural irregularity that affected the outcome of the matter.
- New evidence, which was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
- The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The written notice of the intent to appeal must provide a written statement challenging the outcome. Both parties will be provided with a copy of the notice of intent to file an appeal and the appeal procedures by the Title IX Coordinator. The non-appealing party may submit a written statement supporting the outcome and/or objecting to the grounds on which the appeal was filed within 14 days of receipt of the notice of appeal. The Appeals Officer will consider the related documents (such as the investigative report, hearing transcript, determination of responsibility, and prior disciplinary records) but will not consider information that is not relevant, including information about the prior sexual history of the complainant. The Appeals Officer will issue a written

decision describing the result of the appeal, the rationale for the result and the grounds on which the appeal was granted or denied.

The decision of the Appeals Officer is final and will be issued simultaneously to both the complainant and the respondent, typically within 14 days of the deadline by which the parties must submit their written statements, absent extenuating circumstances. These statements apply to students and employees.

## Confidentiality

Except as necessary to investigate and resolve complaints of sex discrimination or formal complaints of sexual harassment, FNU will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness.

For a report of sex discrimination, if the complainant requests to remain anonymous, the Title IX Coordinator will take all reasonable steps to investigate and respond to the report consistent with the student's request, but the Title IX Coordinator's ability to investigate the incident will be limited. In some circumstances, the University may not be able to respect the request for anonymity in order to avoid being deliberately indifferent to the report of sex discrimination.

For a report of sexual harassment where the complainant wishes to be anonymous and does not intend to file a formal complaint, the Title IX Coordinator will work with the complainant to provide supportive measures and will keep such supportive measures confidential to the extent possible (as described above in the section titled "Supportive Measures").

As discussed above in the section titled "Formal Complaints of Sexual Harassment", there may be some circumstances where the Title IX Coordinator receives a report of sexual harassment and determines that he/she must sign a formal complaint to avoid being deliberately indifferent, even if the complainant does not wish to pursue a formal complaint. This may occur where there have been other similar accusations against the same respondent such that the University is concerned about the safety of its students.

Any reports of sexual violence must be reported to the Office of Student Services so they may be included in the University's crime log and the annual security report. Crimes of sexual violence can be reported without disclosing either party's name or any other information that would identify the parties.

Complaints involving students are protected under the Family Education Rights and Privacy Act (FERPA) but may be disclosed for legitimate educational purposes within the University. To disclose the information outside of the

University, any affected students would have to give explicit permission for the information to be shared through the Disclosure of Information Form available at the FNU Publications webpage and at the Office of the Registrar, except as described below.

Under FERPA the University does not need student consent to:

- Disclose to the complainant information about the sanction imposed upon a student respondent who was found to have engaged in sexual harassment when the sanction directly relates to the complainant;
- Disclose to the complainant the final results of a disciplinary proceeding against the student respondent, regardless of whether the University concluded that a violation was committed, when the conduct involves sexual violence or a crime of violence including arson, burglary, robbery, criminal homicide, assault, destruction/damage/vandalism of property and kidnapping/abduction; and
- Upon request, FNU will disclose to anyone—not just the complainant—the final results of a disciplinary proceeding (including the name of the student respondent, the violation, and the sanction) conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense (incest or statutory rape) to the alleged victim or next of kin if the victim is deceased if it determines that the student respondent is an alleged perpetrator of sexual assault or a crime of violence (see bullet above for examples), and, with respect to the allegation made, the student has committed a violation of the University's rules or policies.

*Medical records are confidential and medical and health professionals are required to maintain confidentiality with regard to the patient's information.*

## **Retaliation; False Complaints**

Retaliation against any person who in good faith makes a report or formal complaint of sex discrimination or sexual harassment, or participates or refuses to participate in any manner in a Title IX investigation or hearing, is prohibited under Title IX. The University, the respondent, and other individuals may not retaliate against an individual for bringing a complaint or for participating in an investigation.

Retaliation includes intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privileged secured by Title IX or this policy. Institutions are also prohibited from bringing charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or

privilege secured by Title IX. The University will take steps to prevent retaliation against a complainant by the respondent or his or her associates. Any instances of retaliation should be reported to the Title IX Coordinator immediately and may result in disciplinary sanctions independent of other sanctions already implemented under this policy. Reports of retaliation by the University will be investigated by the Title IX Coordinator (or an outside investigator if the report involves the Title IX Coordinator) through the grievance process for sex discrimination.

FNU will not tolerate intentional false reporting of incidents. It is a violation of this policy to make an intentionally false report of a policy violation. False reports made by students will be handled through the Student Grievance Procedure. Making a false report may also violate state criminal statutes and civil defamation laws. Contact Information for the Title IX Coordinators Reports of alleged sexual harassment by a student, staff or faculty can be filed with any of the following individuals:

**Florida National University - Title IX Coordinator**

Dr. Nat Hardy  
Humanities & Liberal Arts Division Head  
4425 W. Jose Regueiro (20th) Ave. Hialeah, Florida 33012  
JR Building 502A  
Ph. # 305-821-3333 Ext. 1221  
[nhardy@fnu.edu](mailto:nhardy@fnu.edu)

**Hialeah Campus - Title IX Deputy**

4425 W. Jose Regueiro (20th) Ave.  
Hialeah, Florida 33012

Dr. Yamila Lezcano

Social & Behavioral  
Sciences Division Head Ph.  
(305) 821-3333 Ext. 1024  
[ylezcano@fnu.edu](mailto:ylezcano@fnu.edu)

**Training Center - Title IX Deputy**

4206 W 12 AVE  
Hialeah, Florida 33012

Harold Flores

Training Center Campus Dean  
Ph. (305) 231-3326 Ext. 1503  
[hflores@fnu.edu](mailto:hflores@fnu.edu)

**South Campus - Title IX Deputies**

11865 SW 26 St Ste. H3  
Miami, FL 33175

Pamela Alvarez

South Campus Assistant Dean  
Room H-3  
Ph. # 305-226-9999 Ext. 1605  
[navarrob@fnu.edu](mailto:navarrob@fnu.edu)

Dr. Nat Hardy

Humanities & Liberal Arts Division Head  
Hialeah Campus JR Building 502A  
Ph. # 305-821-3333 Ext. 1221  
[nhardy@fnu.edu](mailto:nhardy@fnu.edu)

**Online Learning - Title IX Deputy**

4425 W. Jose Regueiro (20th) Ave.  
Hialeah, Florida 33012

Dr. Anique Falconer

Academic Affairs Associate VP  
Hialeah Campus JR Building 502E  
Ph. (305) 821-3333 Ext. 1048  
[aafalconer@fnu.edu](mailto:aafalconer@fnu.edu)

## Crime Statistics for 2024, 2023 and 2022 Hialeah Campus

**OC** = On Campus  
**NCP** = Non Campus Property  
**PP** = Public Property

Crime Type	Year of Crime								
	2024			2023			2022		
	<u>OC</u>	<u>NCP</u>	<u>PP</u>	<u>OC</u>	<u>NCP</u>	<u>PP</u>	<u>OC</u>	<u>NCP</u>	<u>PP</u>
<b>CRIMINAL</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>LIQUOR AND DRUG LAW VIOLATIONS, ILLEGAL WEAPONS POSSESSION</b>									
<b>ARRESTS</b>									
Illegal Weapons Carrying, Possessing, Etc. Arrests	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>REFERRALS FOR DISCIPLINARY ACTION (NOT INCL. ARRESTS)</b>									
Illegal Weapons Carrying, Possessing	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

## Training Center

**OC** = On Campus

**NCP** = Non Campus Property

**PP** = Public Property

Crime Type	Year of Crime								
	2024			2023			2022		
	<u>OC</u>	<u>NCP</u>	<u>PP</u>	<u>OC</u>	<u>NCP</u>	<u>PP</u>	<u>OC</u>	<u>NCP</u>	<u>PP</u>
<b>CRIMINAL</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>LIQUOR AND DRUG LAW VIOLATIONS, ILLEGAL WEAPONS POSSESSION</b>									
<b>ARRESTS</b>									
Illegal Weapons Carrying, Possessing, Etc. Arrests	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>REFERRALS FOR DISCIPLINARY ACTION (NOT INCL. ARRESTS)</b>									
Illegal Weapons Carrying, Possessing	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

## South Campus

**OC** = On Campus  
**NCP** = Non Campus Property  
**PP** = Public Property

Crime Type	Year of Crime								
	2024			2023			2022		
	<u>OC</u>	<u>NCP</u>	<u>PP</u>	<u>OC</u>	<u>NCP</u>	<u>PP</u>	<u>OC</u>	<u>NCP</u>	<u>PP</u>
<b>CRIMINAL</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	2	0	0	1	0	0	1
Aggravated Assault	0	0	0	0	0	1	0	0	2
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	0	0	3
Arson	0	0	0	0	0	0	0	0	0
<b>LIQUOR AND DRUG LAW VIOLATIONS, ILLEGAL WEAPONS POSSESSION</b>									
<b>ARRESTS</b>									
Illegal Weapons Carrying, Possessing, Etc. Arrests	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	1	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>REFERRALS FOR DISCIPLINARY ACTION (NOT INCL. ARRESTS)</b>									
Illegal Weapons Carrying, Possessing	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

## Hate Crime Statistics Hialeah Campus

YEAR 2024									
Crime Type	Occurrences of Hate Crimes (Category of Bias for crimes)								
	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
<b>CRIMINAL</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Residential Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0	0	0

**YEAR 2023**

**Occurrences of Hate Crimes  
(Category of Bias for crimes)**

Crime Type	Occurrences of Hate Crimes (Category of Bias for crimes)								
	<u>Total</u>	<u>Race</u>	<u>Religion</u>	<u>Sexual Orientation</u>	<u>Gender</u>	<u>Gender Identity</u>	<u>Disability</u>	<u>Ethnicity</u>	<u>National Origin</u>
<b>CRIMINAL</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Residential Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0	0	0

<b>YEAR 2022</b>									
<b>Crime Type</b>	<b>Occurrences of Hate Crimes (Category of Bias for crimes)</b>								
	<b>Total</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual Orientation</b>	<b>Gender</b>	<b>Gender Identity</b>	<b>Disability</b>	<b>Ethnicity</b>	<b>National Origin</b>
<b>CRIMINAL</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Residential Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0	0	0

## Training Center

<b>YEAR 2024</b>									
<b>Crime Type</b>	<b>Occurrences of Hate Crimes (Category of Bias for crimes)</b>								
	<b>Total</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual Orientation</b>	<b>Gender</b>	<b>Gender Identity</b>	<b>Disability</b>	<b>Ethnicity</b>	<b>National Origin</b>
<b>CRIMINAL</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Residential Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0	0	0

YEAR 2023									
Crime Type	Occurrences of Hate Crimes (Category of Bias for crimes)								
	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
<b>CRIMINAL</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Residential Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0	0	0

<b>YEAR 2022</b>									
<b>Crime Type</b>	<b>Occurrences of Hate Crimes (Category of Bias for crimes)</b>								
	<b>Total</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual Orientation</b>	<b>Gender</b>	<b>Gender Identity</b>	<b>Disability</b>	<b>Ethnicity</b>	<b>National Origin</b>
<b>CRIMINAL</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Residential Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0	0	0

## South Campus

YEAR 2024									
Crime Type	Occurrences of Hate Crimes (Category of Bias for crimes)								
	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
<b>CRIMINAL</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Residential Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0

<b>YEAR 2023</b>									
<b>Crime Type</b>	<b>Occurrences of Hate Crimes (Category of Bias for crimes)</b>								
	<u>Total</u>	<u>Race</u>	<u>Religion</u>	<u>Sexual Orientation</u>	<u>Gender</u>	<u>Gender Identity</u>	<u>Disability</u>	<u>Ethnicity</u>	<u>National Origin</u>
<b>CRIMINAL</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Residential Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0	0	0

YEAR 2022									
Crime Type	Occurrences of Hate Crimes (Category of Bias for crimes)								
	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
<b>CRIMINAL</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Residential Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0

## **Appendices**

### **Appendix A - Campus Contact Information**

#### **Hialeah Campus - (305) 821-3333**

Campus Dean ext. 1015

Assistant Deans ext. 1044, 1009 & 1164

Academic Advising ext. 1013 & 1069

Bursar's Office ext. 1100

Distance Learning ext. 1067/1049

Financial Aid ext. 1901 & 1030

Job Placement ext. 1902

Library ext. 1020

Registrar's Office ext. 1903

Student Services ext. 1113

#### **Training Center - (305) 231-3326**

Campus Dean ext. 1503

Campus Registrar ext. 1515

Financial Aid ext. 1508

Admissions ext. 1505

#### **South Campus - (305) 226-9999**

Campus Dean ext. 1603

Assistant Dean ext. 1605

Academic Advising ext. 1606

Bursar's Office ext. 1631

Distance Learning ext. 1649

Financial Aid ext. 1628 & 1627

Job Placement ext. 1629

Library ext. 1620

Registrar's Office ext. 1633 & 1634

Student Services ext. 1635

## Distance Learning - (305) 821-3333

Student Support ext. 1920

Blackboard Administrator ext. 1067

Academic Advisor ext. 1069

Job Placement ext. 1057

Admissions ext. 1038

## Appendix B - Criminal Offense Definitions

The definitions for Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations are from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program. The definitions of Fondling, Incest and Statutory Rape are from the FBI's National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR. Hate Crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual.

Note that, although the law states that institutions must use the UCR Program definitions, Clery Act crime reporting does not have to meet all of the other UCR Program standards.

Violence Against Women Act of 1994 definitions citation 34 CFR  
668.46(c)(6)(A)(i)

For the categories of Domestic Violence, Dating Violence and Stalking, the Clery Act specifies that you must use the definitions provided by the Violence Against Women Act of 1994 and repeated in the Department's Clery Act regulations. These are presented above and also described below.

**CRIMINAL HOMICIDE:** These offenses are separated into two categories: Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence.

**MURDER/NON-NEGLIGENT MANSLAUGHTER:** The willful (non-negligent) killing of one human being by another. Includes any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime. Deaths caused by negligence, suicide, accidental deaths, and justifiable homicides are excluded.

**NEGLIGENT MANSLAUGHTER:** The killing of another person through gross negligence.

Includes any death caused by the gross negligence of another. In other words, it's something that a reasonable and prudent person would not do.

**ROBBERY:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**AGGRAVATED ASSAULT:** An unlawful attack by one person upon another for inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.

**BURGLARY:** is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: Unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit larceny; house-breaking; safe-cracking; and all attempts to commit any of the aforementioned.

**MOTOR VEHICLE THEFT:** Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.

**ARSON:** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of Another, etc.

**SEXUAL ASSAULT (SEX OFFENSES):** any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

**RAPE:** penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**FONDLING:** the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**INCEST:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**STATUTORY RAPE:** sexual intercourse with a person who is under the statutory age of consent.

**HATE CRIME:** a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The following eight categories have to be reported:

- Race: A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- Gender: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup.
- A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that
- "Race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.
- National Origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias maybe against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias:

- Murder and Non-Negligent Manslaughter
- Negligent manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

The first seven offenses are defined and discussed in earlier in this section. In addition to those offenses, Larceny-Theft, Simple Assault, Intimidation, and destruction/Damage/Vandalism of Property are included in your Clery Act statistics only if they are Hate Crimes.

**LARCENY-THEFT:** the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

**SIMPLE ASSAULT:** an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**INTIMIDATION:** to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY:** to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## Appendix C – Additional Definitions

**PASTORAL COUNSELOR:** A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

**PROFESSIONAL COUNSELOR:** A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

**TIMELY WARNING:** a notification issued by an institution, typically a college or university, to inform the campus community of a crime or emergency situation that poses a serious or continuing threat to their safety. The purpose of a timely warning is to alert individuals so they can take appropriate precautions to protect themselves and reduce the risk of becoming a victim.

**TEST:** Regularly scheduled drills, exercises, and appropriate follow through activities, designed for assessment and evaluation of emergency plans and capabilities.

**BYSTANDER INTERVENTION:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

**RISK REDUCTION:** Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**ADVISOR:** Any individual who provides the accuser or accused support, guidance, or advice.

**PROCEEDING:** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**RESULT:** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

## VAWA Offenses:

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence. Domestic Violence: is defined as a felony or misdemeanor crime of violence committed:
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
  - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for the person's safety or the safety of others; or Suffer substantial emotional distress. For the purposes of this definition
  - Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

**BYSTANDER:** is a social science model that predicts that most people are unlikely to help others in certain situations. A bystander is anyone who observes an emergency or a situation that looks like someone could use some help. They must then decide if they are comfortable stepping in and offering assistance.

**RETALIATION:** This includes any form of retaliation against students, student organizations, staff, or faculty. Retaliation is conduct that creates an intimidating, hostile, or offensive working, residential, or educational environment. Retaliation also includes harassment of a complainant or other person or organization alleging misconduct, including, but not limited to, intimidation and threats.

“The Federal civil rights laws make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. If, for example, an individual brings concerns about possible civil rights problems to a school's attention, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she made a complaint, testified, or participated in any manner in an OCR investigation or proceeding.”

If you wish to file a complaint of discrimination with OCR, you may use the online complaint form available at <http://www.ed.gov/ocr/complaintintro.html> or send a letter to the OCR enforcement office responsible for the state in which the school is located. You may also email general questions to OCR at [ocr@ed.gov](mailto:ocr@ed.gov)



## Title IX Grievance Form

Today's Date: \_\_\_\_\_

Complainant's Name(s) \_\_\_\_\_  
Last Name First Name Middle Initial

Campus Address: \_\_\_\_\_

Home address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_ Email Address \_\_\_\_\_

Circle One:

Student      Employee      Parent on behalf of student      Other on behalf of student/employee

1. Respondent. Name: \_\_\_\_\_ Status: \_\_\_\_\_

Address (if known): \_\_\_\_\_

Contact Information: \_\_\_\_\_

Specifics of Complaint. Describe below, including any dates of alleged discrimination.

3. Witnesses. Include names, status, and contact information.

4. Corrective Action. If you wish, please describe any corrective action you would like to see taken with regard to the alleged misconduct. Attach an extra page if necessary.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Signature of Title IX Coordinator