



2018 Annual Security Report

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Florida National University 2019 Annual Security Report

INTRODUCTION

Florida National University in compliance with the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act, formerly, publishes the Annual Campus Security and Crime Report in order to provide all FNU all stakeholders and the community with statistics about crime statistics in campus and its geographical area of inhereance as stated in the regulations on the Clery Act. For any question related to this matter you may refer to FNU Campus Deans or the Student Services office at:

Hialeah Campus - (305) 821-3333

Campus Dean ext. 1009
Associate Dean ext. 1015
Assistant Deans ext. 1044 & 1164
Student Services ext. 1004 & 1040

South Campus - (305) 226-9999

Campus Dean ext. 1309
Assistant Dean ext. 1339/1373
Student Services ext. 1372

Training Center - (305) 231-3326

Campus Dean ext. 1028

Distance Learning - (305) 821-3333

Online Director ext. 1066
Blackboard Admin. ext. 1067 & 1049

The Jeanne Clery Disclosure Of Campus Policy and Campus Crime Statistics Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (originally known as the "Campus Security 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 Jeanne Clery Act, FNU has its own plan to report criminal actions, 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 the Safety Manual.

On an annual basis, Florida National University produces the 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 hard copy from the Office of Student Services.

****NOTE:** The Campus Security Report is published annually and is available online under Student Services>Crime Report. It is also distributed to all students and employees via email. A printed copy is published on each Campus and is also available at all campus' Reception, Campus Deans office, and/or Student Services office.

SAFETY & SECURITY

Campus Safety and Security Purpose

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 to 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. To report on-campus crimes and incidents 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, staff, maintenance or Campus security can be approached and they will assist immediately or refer you to the appropriate person. FNU 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 Police Department.

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

Confidentiality can be maintained up to the extent allowed by federal law. The name of the person reporting may be kept confidential, but the 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, and may be disclosed for legitimate educational purposes within the university. To share the information out of the university the complainant would have to give explicit permission for the information to be shared through the Disclose of Information Form available at the FNU Publications webpage and at the Office of the Registrar's. Complainants have to be notified of the possible extent of the Confidentiality policy and it is recommended to the students to ask what would mean this policy in terms of the disclosing 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 keep confidentiality in regards to the patient's information.

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 his campus and a Daily Crime Log is kept at 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 complaint, if known.

FNU Relationship with Law Enforcement

Florida National University maintains a cooperative relationship with Hialeah Police Department, Miami Gardens Police Department, and Miami Dade Police Department and other surrounding law enforcement agencies. This includes collaboration with first responders during incidents in Campus and special events coordination, and the investigation of crimes if required. There is no Memoranda of Understanding (MOU).

Reporting of On-Campus Crimes And Incidents Compliance

According to the Higher Education Act, or 20 U.S.C. 1092, now known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly known as the Clery Act), Florida National University must collect campus crime statistics. This law applies to crimes reported to the police and other campus officials. The details of this report will not be made public. Only the number of crimes occurring will be released. The victim's name will not be released. It is not required for the report, but it will help ensure the crime is not counted twice.

Florida National University does not have pastoral or professional counselors. The Office of Student Services maintains a list of counseling options which students can reach out to if necessary. It is the students' choice in the selection of a counselor.

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 on campus,

non-campus locations (athletic facilities used by FNU), and public property immediately adjacent to the campus/facility address.

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

All campuses are secured with master alarm systems which are activated by one of the above mentioned, according to 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, and for voting in Student Government elections. 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 are required to have an FNU parking decal affixed to the vehicle's lower right/left back window.

Visitors to Campus

All visitors to campus have to report to the Reception of the Campus and be escorted and accompanied by the person who the visitors are inquiring for. Visitors are not allowed in the classrooms or the classroom areas.

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 such 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 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 menace 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.

Campus Crime Prevention

The Campus Deans will work closely with the Student Services Department who in turn directs a program of awareness with the students.

At each orientation, every eight weeks, all students and university personnel are reminded of security, its necessity and their obligation to look out for each other and the security of the institution.

Crime prevention seminars, blast emails, to all new students, and crime awareness campaigns are held every month as well as activities to raise awareness and educate the students on crime prevention and security in campus.

Title IX Information, Coordinators names and detailed contact information is sent by email to all students each Term including links to Title IX Policy available at FNU website and Student Handbook.

http://www.fnu.edu/wp-content/uploads/2011/11/Title_IX_Procedures_2.pdf

http://www.fnu.edu/Publications/Student_Handbook.pdf

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. 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 Department 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 solicit and 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 no less than one week 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 undersigned further agrees to indemnify, save and hold harmless the University and its employees 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 College 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 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.

Emergency On Campus

Students will have readily available information regarding fire safety and prevention, emergency procedures, and evacuation procedures outlined in the Safety Manual.

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

Fire drills occur twice per term and are not announced to students, faculty or staff.

Emergency Management Team

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

Members of the Senior Management Team (Vice Presidents and Campus Dean)
Department and Division Heads

The President or her 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 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 Notification System – Rave

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

Students – Student Services Office or Registrar’s 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.

Campus Climate Surveys

Florida National University will conduct Campus Climate surveys at least once every two years. The results of the surveys will be distributed among campus authorities and will indicate what areas of security, safety, have to be revised or reinforced.

POLICIES, PROGRAMS, PROCEDURES

Code of Behavior And Disciplinary Procedures

- Students will come to class on time, visible wearing their student ID card, and must remain in their classroom for the entire class session.
- 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 female and male students with long hair must wear hair bands in the dental lab.
- Students are expected to be generally in proper attire while they are on FNU grounds; tank tops, shorts or halters are not acceptable attire.
- Guests and visitors will not sit in the classrooms while instruction is going on, and under no circumstances will children be allowed in the classrooms.
- Eating and drinking are permitted only in the lounge. Smoking is permitted outdoors only.
- 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.
- 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 laws of our city, county, state, and nation.
- 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 and 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

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.

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 of any kind, and other weapons are illegal and 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, switchblades, knives, 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 confiscate said item.

University Policy On Drug And Alcohol Use 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 Abuse program which makes use of experts in the field, featuring counseling, seminars, instruction, preventive recommendations, speakers, movies and the appropriate literature. (SEE Catalog)

The FNU Drug Abuse Program 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.

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

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 Department, Campus Dean or any University administrator. All crime emergencies on campus may be reported to Campus Security, University personnel or by calling 911.

Sex Offenders Registry

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/homepage.do>

Sexual Crimes, Dating/Domestic Violence, & Stalking Information

Florida National University educates the student community about sexual assault and dating violence through the Office of Student Services. The Office of Student Services provides literature on date rape education, risk reduction, and university response annual sexual assault education as well as once per semester informational programs to University students and employees.

If you are a victim of sexual assault, first seek safety and then immediate medical attention. Florida National University strongly encourages any victim of sexual assault 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 assault should be reported to the local police department by dialing 911 or reporting the incident to the Campus Dean who can assist you with the reporting of a sexual assault.

FNU will protect the confidentiality of victims and other necessary parties while complying with the recordkeeping for the crime statistics.

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.

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

- their rights and options
- existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community

All alleged sex offenses, involving dating violence, domestic violence, sexual assault, or stalking, are subject to FNU disciplinary action to the extent that they impact the FNU community. The hearing will be conducted by an official who received annual training, and will be a prompt, fair, and impartial process. The decision will be made based on a clear and convincing evidence standard. Both the victim and the accused are entitled to choose one person to accompany them throughout the hearing. Both the victim and the accused will be informed simultaneously of the outcome of the hearing. A student found guilty of violating the sexual misconduct policy could be criminally prosecuted and expelled from FNU.

FNU also strongly advises victims of sexual assault to seek counseling. Local organizations that specialize in crises counseling include:

RAINN-Rape, Abuse & Incest National Network	(800) 656-4673
Victims of Crimes Services	(305) 230-6141
Opa Locka Domestic Police Department-Violence Intervention Unit	(305) 953-2838
Baptist Health-Women’s Health Center	(786) 596-5981

TITLE IX

Title IX Procedures

Title IX: Sex-Based Discrimination and Sexual Misconduct Policies and Procedures

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law that prohibits discrimination on the basis of sex in federally assisted education programs or activities. Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including sexual harassment, sexual assault, sexual exploitation, gender-based harassment, stalking, dating violence, domestic violence, and gender identity or failure to conform to stereotypical notions of masculinity or femininity.

Florida National University does not discriminate on the basis of sex in its education programs and activities. The University prohibits all forms of sex discrimination that impact the University community.

Title IX Definitions

SEXUAL HARRASSMENT: Sexual harassment is unwelcome conduct of a sexual nature. Conduct is unwelcome if the complainant did not request or invite it and regarded the conduct as undesirable or offensive; acquiescence in the conduct or failure to complain does not always mean that the conduct was welcome. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, other verbal, nonverbal or physical conduct of a sexual nature or with sexual overtones, and gender-based harassment based on sex or sex-stereotyping.

SEXUAL VIOLENCE: Sexual violence includes dating violence, domestic violence, sexual assault, and stalking.

DATING VIOLENCE: Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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: Domestic violence is a felony or misdemeanor crime of violence committed 1) by a current or former spouse or intimate partner of the victim; 2) by a person with whom the victim shares a child in common; 3) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; 4) 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 5) 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.

The State of Florida defines domestic violence as 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. "Family or household member" means 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. See Fla. Stat. § 741.28.

SEXUAL ASSAULT: Sexual assault is any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent that meets the definition of rape, fondling, incest, or statutory rape.

- Rape is 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. This offense includes the rape of both males and females.
- Fondling is 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 is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is sexual intercourse with a person who is under the statutory age of consent. Florida statutory rape law is violated when a person has consensual sexual intercourse with an individual under age 18. However, there is an exemption for individuals close in age, which allows a person no older than age 23 to engage in consensual sexual intercourse with minors aged 16 or 17.

STALKING: Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to 1) fear for the person's safety or the safety of others or 2) suffer substantial emotional distress. 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.

CONSENT: Consent means a clear, unambiguous, and voluntary agreement between the parties engaging in specific sexual activity. A person is incapable of consent when he or she is: 1) mentally disabled; 2) mentally incapacitated; 3) physically helpless or incapacitated; or 4) under threat, coercion or force.

The State of Florida defines consent as intelligent, knowing, and voluntary consent, which 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. Among other things, the State of Florida does not consider a victim to be able to consent if the victim is mentally defective, physically incapacitated, or has been administered any narcotic, anesthetic or other intoxicating substance that mentally or physically incapacitates the victim. See Fla. Stat. § 794.011.

Examples Of Sexual Harassment

The following are examples of behavior that may, if they impact the University community, create a hostile environment and could be considered sexual harassment prohibited by Title IX:

- Requests or demands for sexual favors
- Unwelcome sexual advances, including touching, kissing, hugging, or massaging
- Non-consensual sexual activity (where the victim does not consent or is incapable of giving consent)
- Violence between intimate partners
- Unnecessary and unwelcome references to various parts of the body
- Unwelcome statements or conduct related to a person's gender, actual or perceived sex, gender identity, or nonconformity with sex or gender stereotypes
- Reoccurring inappropriate or derogatory sexual innuendoes or humor
- Videotaping and photographing activity of a sexual or personal nature without consent of those being recorded
- Obscene gestures or nonverbal communication of a sexual or gender-based nature
- Sexually explicit profanity
- Use of email, the Internet, text messaging, or other forms of digital media to facilitate any of the above referenced behaviors

Sexual Harassment Prohibited by Title IX

Sexual harassment that creates a hostile environment by interfering with, denying or limiting a student's ability to participate in or benefit from the school's program on the basis of sex is

prohibited by Title IX. FNU will consider the following factors in determining whether sexual harassment creates a hostile environment that impacts the FNU community:

- 1) The degree to which the conduct affects one or more students' education;
- 2) The type, frequency, and duration of the conduct;
- 3) The identity of and relationship between the respondent and the complainant;
- 4) The number of individuals involved;
- 5) The location of the incidents and the context in which they occurred; and
- 6) Other incidents at the school.

This includes quid pro quo sexual harassment, where such advances or requests are made under circumstances implying that one's response or submission to unwanted sexual conduct might affect educational or personnel decisions that are subject to the influence of the person making the proposal. For example, quid pro quo sexual harassment occurs when submission to sexual harassment is made, either explicitly or implicitly, a term or condition of instruction, employment, or participation in other College activities.

Florida National University believes that any form of sexual harassment can have a devastating effect upon the people involved and such behavior will not be tolerated. Prompt action will be taken to protect the complainant, investigate the charges, and if warranted, discipline the violator. Such action may include suspension or dismissal.

Sexual Violence Prevention and Response

The University educates the student community about sexual violence prevention through the Office of Student Services. The Office of Student Services provides educational materials and conducts prevention and awareness programs for students to promote awareness of, and to prevent sexual violence. Such materials and programs educate students regarding prohibited sexual violence (including relevant definitions), the definition of consent in the state of Florida, safe and positive options for bystander intervention, risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks, and the University's response to sexual violence (including the complaint procedures and possible sanctions and protective measures). The University also provides appropriate training to its officials who address instances of sexual violence.

If you are a victim of sexual violence, first seek safety and then immediate medical attention. The University strongly encourages any victim of sexual violence to report the incident in a timely manner. Time is a critical factor for collecting and preserving of evidence. (Ideally, a victim of sexual violence should not wash, douche, use the restroom, or change clothes prior to a medical examination at a hospital.)

The University encourages students to report incidents of sexual violence to the local police department by dialing 911 and to report the incident to the Campus Dean or Title IX Coordinators (who can also assist you with the reporting of an act of sexual violence to the police). The University also provides sexual assault victims with assistance in seeking changes to academic, living, transportation, and working situations or protective measures; please see the Campus Dean or the Title IX Coordinator to discuss or request any such changes or protective measures. The University also provides victims with notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student

financial aid, and other services available for victims, both within the University and in the community.

To that end, the University strongly advises victims of sexual violence to seek counseling. Local organizations that specialize in crisis counseling include:

RAINN-Rape, Abuse & Incest National Network	(800) 656-4673
Victims of Crimes Services	(305) 230-6141
Opa Locka Domestic Police -Violence Intervention Unit	(305) 953-2838
Baptist Health-Women’s Health Center	(786) 596-5981

Procedures For Filing a Sexual Harassment Complaint

- A. Any member of the University community who believes that he or she has been a victim of sexual harassment (the complainant) by a student, a University employee or a third party may bring the matter to the attention of the Title IX Coordinator or Deputy Coordinators (collectively, the “Title IX Coordinators”). The complainant may also report these matters to either of the following employees: Campus Dean, Associate Dean, Assistant Dean, Vice President of Academic Affairs, Student Services Director, Student Services Officer, Student Services Assistant, Athletic Director or Assistant Athletic Director. It is the responsibility of that individual to file the report with one of the Title IX Coordinators.
- B. The complainant should present the complaint as promptly as possible after the alleged harassment occurs using the Title IX Grievance Form which is available online at <http://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 complaints 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 accused if the reports are made promptly.
- C. If the complainant decides to proceed with a formal complaint, the complainant should submit a written statement to one of the Title IX Coordinators.
- D. FNU’s Title IX Coordinator will investigate all student complaints of sexual harassment. The Title IX Coordinator will inform the alleged offender (respondent) of the allegation, the identity of the complainant, the alleged violation of the University’s policies, and the date and location of the alleged incident(s). A written statement of the complaint will be given to both parties. Exceptions can be made when confidentiality is requested by the complainant, as described below.
- E. Cases 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.
- F. Retaliation against the complainant is prohibited. Every effort will be made to protect the complainant from retaliatory action.

Resolution of the Complaint

- A. The University will promptly take steps to ensure that the complainant and the respondent have equal access to the University's educational programs and activities and to protect the complainant and the respondent as necessary, including taking interim measures before the outcome of an investigation. Interim measures are determined on a case-by-case basis and may include counseling, schedule accommodations, academic accommodations, no-contact directives, stay-away letters/campus bans, escorts, limitations on extracurricular or athletic activities, and leaves of absence. When implementing interim measures, the University will make every effort to avoid depriving any student of his or her education.
- B. Reports of alleged Title IX incidents will be investigated in a thorough, impartial, and prompt fashion. The Title IX Coordinator will oversee the collecting of facts related to any reported Title IX incident and will assess whether a further review or investigation is necessary. The Title IX Coordinator will notify and interview complainants, respondents, and witnesses. At the conclusion of the investigation, the Title IX Coordinator will prepare a written report summarizing the relevant exculpatory and inculpatory evidence.
- C. Directly following the conclusion of the investigation, the Title IX Coordinator will determine whether reasonable cause exists to believe that a policy violation occurred. If such reasonable cause exists and the respondent is a student, the Title IX Coordinator will notify University administrators and determine whether to pursue an informal or formal resolution, as described below. Where the respondent is a faculty or staff member, the Title IX Coordinator will refer the results of the investigation to the Human Resources Department and the University administrators for appropriate action. The Title IX Coordinator will be kept informed of the outcome of the investigation regarding a faculty or staff member and will notify the complainant, as appropriate, of the outcome, including any accommodations the University will provide to the complainant.
- D. If reasonable cause exists to believe that a policy violation occurred, the Title IX Coordinator believes it is appropriate given the circumstances of the complaint to engage in an informal resolution process, and all parties voluntarily agree to participate in such a process, the Title IX Coordinator will initiate whatever steps he or she deems appropriate to affect an informal resolution of the complaint acceptable to both parties. The complainant or respondent may request to end the informal process at any time to begin the formal stage of the complaint process.
 - If unsatisfied with the informal resolution proposed by the Title IX Coordinator, the complainant or respondent should write a written request to the Title IX Coordinator with his or her opinions and suggestions, including any request to appear before the Honor Court.
- E. If reasonable cause exists to believe that a policy violation occurred and the Title IX Coordinator believes that an informal resolution process is not appropriate based on the nature of the violation, or one or more of the parties requests access to the formal stage of the complaint process, the complaint and the results of the investigation will be forwarded to the Honor Court. Unless the Honor Court concludes that the complaint is without merit, the parties to the dispute should be invited to appear before the Honor Court, present any witnesses and evidence, and confront any adverse witnesses. The Honor Court may conduct its own informal inquiry, call witnesses, and gather whatever

information it deems necessary to assist it in reaching a determination as to the merits of the allegations.

- F. The parties will be given adequate notice of any hearing before the Honor Court and will be offered equal and meaningful access to information used during the hearing, including the Title IX Coordinator's report. The parties will also have the opportunity to provide written responses to the Title IX Coordinator's report.
- G. The parties may be accompanied at the Honor Court hearing by the advisor of their choice. The advisor may not participate in the hearing, beyond providing guidance to the party being represented.
- H. The Honor Court will make findings of fact and conclusions as to whether the facts support a finding of responsibility for violation of the school's policies using a clear and convincing evidence standard. Thus, the Honor Court must determine whether it is highly and substantially more likely to be true than untrue that Florida National University's policy has been violated.
- I. If the Honor Court is convinced that a policy violation is highly probable, it should recommend sanctions against the respondent and any additional accommodations for the complainant. The Title IX Coordinator should forward the recommendation immediately to one of the campus deans. The campus dean shall proceed in the manner set forth by the university's rules and procedures, except that the need for a preliminary review will be precluded.
- J. The Honor Court can recommend the following sanctions if it finds that a student has violated this policy: Suspension, Expulsion, Loss of University Scholarship.
- K. The Honor Court can recommend the following accommodations 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 and protective/no contact orders.
- L. Appeals can be made to the University President within three (5) business days of the ruling.
- M. Florida National University seeks to resolve all Title IX reports within sixty (60) days but more complex investigations may require additional time, especially if the matter is brought before the Honor Court. The Title IX Coordinator will notify the complainant and the respondent in writing of the results of the investigation including a summary of the basis for the determination and the actions that will be taken. Notification to the complainant and respondent will be as close to simultaneous as practicable.

Confidentiality

The Title IX Coordinator is required to investigate any report of alleged sex and gender based misconduct and to ensure measures are taken to stop adverse behavior and prevent its recurrence, as appropriate. Each report is reviewed individually and it is important to note that not every report leads to a disciplinary process.

A student can request confidentiality after making a Title IX report. For example, a complainant may request that his or her name not be disclosed or that an investigation not be conducted regarding the alleged harassment. If the complainant requests confidentiality, the Title IX Coordinator will take all reasonable steps to investigate and respond to the complaint consistent

with the student's request. The University will evaluate any confidentiality requests in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. For example, if there have been other similar accusations against the same respondent such that the University is concerned about the safety of its students, the University may not be able to respect a request for confidentiality.

If the University can honor the complainant's request for confidentiality, the Title IX Coordinator's ability to investigate the incident could be limited. For example, the University cannot take disciplinary action against the respondent if the complainant requests that his or her name not be revealed.

Even when confidentiality is not requested, the University makes every effort to protect the privacy of all individuals involved in such reporting or investigation, yet it cannot always be guaranteed depending on the nature of the incident.

Any alleged incidents 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 harassment when the sanction directly relates to the complainant;
- disclose to the complainant the final results of a disciplinary proceeding against the respondent, regardless of whether the University concluded that a violation was committed, when the conduct involves a crime of violence or a non-forcible sex offense; and
- disclose to anyone—not just the complainant—the final results of a disciplinary proceeding if it determines that the student respondent is an alleged perpetrator of a crime of violence or a non-forcible sex offense, and, with respect to the allegation made, the student has committed a violation of the institution'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

Retaliation is prohibited under Title IX against any person who in good faith makes a complaint of sex discrimination, harassment, sexual violence, sexual misconduct, or participates as a witness in a Title IX investigation. The University, the respondent, and the respondent's associates may not retaliate against an individual for bringing a complaint or for participating in

an investigation. The University will take steps to prevent retaliation against a complainant by the respondent or his or her associates.

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

Bernardo Navarro

South Campus Assistant Dean

Ph. # 305-226-9999 Ext. 1339

Room # 205 C

navarro@fnu.edu

11865 SW 26 St Ste. H3

Miami, FL 33175

John Ferrari

Hialeah Campus

Title IX Deputies

4425 W Jose Regueiro Av (20th Av)

Hialeah, FL 33012 Director of Student Services

Ph. (305) 821-3333 Ext. 1133

jferrari@fnu.edu

Silvia Borges

Job Developer

Ph. (305) 821-3333 Ext. 1075

sborges@fnu.edu

Training Center - Title IX Deputy

4206 W 12 AVE

Hialeah, Florida 33012

Online Learning - Title IX Deputy

4425 W. Jose Regueiro (20th) Ave.

Hialeah, Florida 33012

Jose Luis Valdes

Campus Dean/University Registrar

Ph. (305) 821-3333 Ext. 1028

jvaldes@fnu.edu

John Ferrari

Director of Student Services

(305) 821-3333 Ext. 1133

jferrari@fnu.edu

Definition of Affirmative Consent

Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

Consent, abbreviated:

Clear, unambiguous, and voluntary agreement between the participating to engage in specific sexual activity.

Sexual Violence Prevention & Response Policies

Florida National University educates the student community about sexual assault and date rape through the Office of Student Services. The Office of Student Services provides literature on date rape education, risk reduction, and university response annual sexual assault education as well as annual information programs to University students and employees. Once per semester, FNU will offer workshops to educate the campus community on best practices to be used to limit exposure to dangerous situations. These programs will include lectures, small group workshops, and open discussions.

If you are a victim of sexual assault, first seek safety and then immediate medical attention. Florida National University strongly encourages any victim of sexual assault 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 assault should be reported to the local police department by dialing 911 or reporting the incident to the Campus Dean who can assist you with the reporting of a sexual assault.

All alleged sex offenses are subject to FNU disciplinary action. Both the victim and the accused are entitled to choose one person who has no formal legal training to accompany them throughout the hearing. Both the victim and the accused will be informed of the outcome of the hearing. A student found guilty of violating the sexual misconduct policy could be criminally prosecuted and expelled from FNU. Student victims have the options to change their academic situation after an alleged sexual assault, if such accommodations are reasonably available.

Florida National University also strongly advises victims of sexual assault to seek counseling. Local organizations that specialize in crises counseling include:

RAINN-Rape, Abuse & Incest National Network	(800) 656-4673
Victims of Crimes Services	(305) 230-6141
Opa Locka Domestic Police Department-Violence Intervention Unit	(305) 953-2838
Baptist Health-Women’s Health Center	(786) 596-5981
Roxcy Bolton Rape Treatment Center, Miami, FL	(305) 585-7273
Nancy J. Cotterman Center, Ft. Lauderdale, FL	(954) 761-7273

Campus And Community Resources

Through the Office of Student Services, students can solicit referrals for different health services that may be of help to them (psychological counseling, immunizations, day care, etc.) This information is obtained through governmental publications (Help Pages) which list agencies open to the public for special student fees, on sliding scales, or for free. Brochures are also available through the Office of Student Services.

Florida National University cannot offer professional health services, but it can assist you in locating them.

Also resources related to Sexual Violence and crimes related to VAWA and Title IX Policy are available through “Not Alone” link available at the Student Services webpage.

<http://www.fnu.edu/current-students/student-services/>

<https://www.notalone.gov/>

Crime Statistics for 2018, 2017 and 2016

Hialeah Campus

OC = On Campus

NCP = Non Campus Property (Bucky Dent and Goodlet Parks)

PP = Public Property

	2018	2017	2016	2017	2017	2017	2016	2016	2016
	OC	NC	PP	OC	NCP	PP	OC	NCP	PP
<i>Criminal Homicide:</i>									
~Murder/Non-Negligent	0	0	0	0	0	0	0	0	0
~Negligent Manslaughter	0	0	0	0	0	0	0	0	0

<i>Forcible Sex Offenses:</i>									
~Rape	0	0	0	0	0	0	0	0	0
~Sodomy	0	0	0	0	0	0	0	0	0
~Sexual Assault	0	0	0	0	0	0	0	1	0
~Fondling	0	0	0	0	0	0	0	0	0
<i>Non-Forcible Sex Offenses:</i>									
~Statutory Rape	0	0	0	0	0	0	0	0	0
~Incest	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	2	0	0	0	0	0
Aggravated Assault	0	0	0	0	4	0	0	3	0
Burglary	0	0	0	0	0	0	2	6	0
Motor Vehicle Theft	0	0	0	0	0	0	0	1	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes*	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	*	*	*

*Data not collected

Training Center

OC = On Campus

NCP = Non Campus Property (Bucky Dent and Goodlet Parks)

PP = Public Property

	2018	2018	2018	2017	2017	2017	2016	2016	2016
	OC	NC	PP	OC	NCP	PP	OC	NCP	PP
<i>Criminal Homicide:</i>									
~Murder/Non-Negligent	0	0	0	0	0	0	0	0	0
~Negligent Manslaughter	0	0	0	0	0	0	0	0	0

<i>Forcible Sex Offenses:</i>									
~Rape	0	0	0	0	0	0	0	0	0
~Sodomy	0	0	0	0	0	0	0	0	0
~Sexual Assault	0	0	0	0	0	0	0	1	0
~Fondling	0	0	0	0	0	0	0	0	0
<i>Non-Forcible Sex Offenses:</i>									
~Statutory Rape	0	0	0	0	0	0	0	0	0
~Incest	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	4	0	0	3	0
Burglary	0	0	0	0	0	0	0	6	0
Motor Vehicle Theft	0	0	0	0	0	0	0	1	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes*	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	*	*	*

*Data not collected

South Campus

OC = On Campus

NCP = Non-Campus Property (Bucky Dent and Goodlet Parks)

PP = Public Property

	2018	2018	2018	2017	2017	2017	2016	2016	2016
	OC	NC	PP	OC	NCP	PP	OC	NCP	PP
<i>Criminal Homicide:</i>									
~Murder/Non-Negligent	0	0	0	0	0	0	0	0	0
~Negligent Manslaughter	0	0	0	0	0	0	0	0	0

<i>Forcible Sex Offenses:</i>									
~Rape	0	0	0	0	0	0	0	0	0
~Sodomy	0	0	0	0	0	0	0	0	0
~Sexual Assault	0	0	0	0	0	0	0	1	0
~Fondling	0	0	0	0	0	0	0	0	0
<i>Non-Forcible Sex Offenses:</i>									
~Statutory Rape	0	0	0	0	0	0	0	0	0
~Incest	0	0	0	0	0	0	0	0	0
Robbery	3	0	0	2	0	0	0	0	0
Aggravated Assault	6	0	0	2	4	0	0	3	0
Burglary	0	0	0	14	0	0	3	6	0
Motor Vehicle Theft	7	0	0	4	0	0	7	1	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes*	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	2	0	0	*	*	*

**Data not collected*

APPENDICES

Appendix A - Campus Contact Information

Hialeah Campus - (305) 821-3333

Campus Dean	ext. 1009
Associate Dean	ext. 1015
Assistant Deans	ext. 1044 & 1164
Academic Advising	ext. 1013 & 1069
Bursar's Office	ext. 1014
Distance Learning	ext. 1067/1049
Financial Aid	ext. 1030 & 1061
Job Placement	ext. 1057
Library	ext. 1020
Registrar's Office	ext. 1018
Student Services	ext. 1004 & 1040

South Campus - (305) 226-9999

Campus Dean	ext. 1309
Assistant Dean	ext. 1339/1373
Academic Advising	ext. 1346
Bursar's Office	ext. 1304 & 1338
Distance Learning	ext. 1345
Financial Aid	ext. 1305 & 1306
Job Placement	ext. 1311
Library	ext. 1320
Registrar's Office	ext. 1307 & 1374
Student Services	ext. 1372

Training Center - (305) 231-3326

Campus Dean	ext. 1209
Campus Registrar	ext. 1210
Financial Aid	ext. 1212
Admissions	ext. 1211

Distance Learning - (305) 821-3333

Online Director	ext. 1066
Student Support	ext. 1066
Blackboard Admin.	ext. 1067 & 1049
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.

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 is 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. This offense includes the rape of both males and females.

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

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

Hate Crimes is 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
- 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 is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

Simple Assault is 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 is 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 is 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.

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



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: (____) _____ - _____ Email Address: _____

Circle one that applies:

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

1. Respondent

Name: _____ Status: _____

Address (If known): _____

City: _____ State: _____ Zip Code: _____

Contact Information: _____

2. 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