



2019 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 inherence 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. 1015

Assistant Deans ext. 1044 & 1009

Student Services ext. 1004 & 1040

Training Center - (305) 231-3326

Campus Dean ext. 1028

South Campus - (305) 226-9999

Campus Dean ext. 1309

Assistant Dean ext. 1339/1373

Student Services ext. 1372

Distance Learning - (305) 821-3333

Online Director ext. 1066

Blackboard Administrator ext. 1067

Blackboard Support ext. 1049

THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY 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 and 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 Harassment Policies and Procedures

Sex Discrimination Prohibited

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. Florida National University does not discriminate on the basis of sex in its education programs and activities, including admission and employment, and is prohibited by Title IX from discriminating in such a manner. The University prohibits all forms of sex discrimination and sexual harassment as defined below, which includes sexual violence. 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 a formal complaint, and if warranted, discipline the respondent. Such action may include suspension, dismissal, or loss of employment. Questions regarding Title IX may be referred to the Title IX Coordinator (see below for contact information) or to the Assistant Secretary for Civil Rights of the U.S. Department of Education’s Office for Civil Rights.

DEFINITIONS

SEXUAL HARRASSMENT:

Conduct on the basis of sex that satisfies one or more of the following: 1. An employee of the school conditioning the provision of an aid, benefit, or service of the school on an individual’s participation in unwelcome sexual conduct (quid pro quo harassment); 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or 3. Sexual assault, dating violence, domestic violence, or stalking (as defined below).

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. The existence of such a relationship shall be determined

based on the complainant’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:

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.

QUID PRO QUO SEXUAL HARASSMENT:

Quid pro quo harassment occurs when an employee of the school conditions the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct. This includes when 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.

COMPLAINANT:

Complainant means an individual(s) who is alleged to be the victim of conduct that could constitute sexual harassment or sex discrimination.

RESPONDENT:

Respondent means any individual(s) who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Examples of "Unwelcome Conduct" Sexual Harassment. The following are examples of behaviors that individually or in combination may be considered to constitute unwelcome conduct that a reasonable person would consider to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity and as a result meets the second prong of the definition of sexual harassment prohibited by Title IX:

- 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)
- 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
- Recurring 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 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 grievance process and possible sanctions and supportive 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 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 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/wp-content/uploads/2011/11/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 REPORTS OF SEX DISCRIMINATION

When the Title IX Coordinator receives a complaint alleging that the University or its employees have discriminated on the basis of sex in its education programs and activities, including admissions, employment, and athletics, the Title IX Coordinator will contact the complainant and investigate the complaint and report the findings of the investigation to the Vice President of Academic Affairs and Vice

President of Operations for action. The complainant will be notified of the outcome of the complaint and any remedies provided by FNU to resolve any incidents of sex discrimination.

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. 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.

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 (defined above);
- 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.

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.

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
- 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) 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

Bernardo Navarro
South Campus Assistant Dean
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CRIME STATISTICS FOR 2019, 2018 AND 2017

HIALEAH CAMPUS

OC = On Campus

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

PP = Public Property

	2019 OC	2019 NCP	2019 PP	2018 OC	2018 NCP	2018 PP	2017 OC	2017 NCP	2017 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

Florida National University – 2019 Annual Security Report

<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	0	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	2	0	0
Aggravated Assault	0	0	0	0	0	0	0	4	0
Burglary	0	1	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	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	0	0	0

*Data not collected

TRAINING CENTER

OC = On Campus

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

PP = Public Property

	2019 OC	2019 NCP	2019 PP	2018 OC	2018 NCP	2018 PP	2017 OC	2017 NCP	2017 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

Florida National University – 2019 Annual Security Report

<i>Forcible Sex Offenses:</i>	0	0	0	0	0	0	0	0	0
~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	0	0
~Fondling									
<i>Non-Forcible Sex Offenses:</i>	0	0	0	0	0	0	0	0	0
~Statutory Rape	0	0	0	0	0	0	0	0	0
~Incest									
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	4	0
Burglary	0	1	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	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	0	0	0

SOUTH CAMPUS

OC = On Campus

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

PP = Public Property

	2019	2019	2019	2018	2018	2018	2017	2017	2017
	OC	NC	PP	OC	NCP	PP	OC	NCP	PP
<i>Criminal Homicide:</i>									
~Murder/Non-Negligent	1	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	0	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	3	0	0	2	0	0
Aggravated Assault	2	0	0	6	0	0	2	4	0
Burglary	8	1	0	0	0	0	14	0	0
Motor Vehicle Theft	4	1	0	7	0	0	4	0	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	2	0	0

APPENDICES

APPENDIX A - CAMPUS CONTACT INFORMATION

HIALEAH CAMPUS - (305) 821-3333

Campus Dean ext. 1015

Assistant Deans ext. 1044 & 1009

Academic Advising ext. 1013 & 1069

Bursar's Office ext. 1014

Distance Learning ext. 1067/1049

Financial Aid ext. 1030 & 1061

Job Placement ext. 1057 & 1019

Library ext. 1020

Registrar's Office ext. 1018

Student Services ext. 1004 & 1040

TRAINING CENTER - (305) 231-3326

Campus Dean ext. 1209

Campus Registrar ext. 1210

Financial Aid ext. 1212

Admissions ext. 1211

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

DISTANCE LEARNING - (305) 821-3333

Online Director ext. 1066

Student Support ext. 1066

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.

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
- 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.

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