

**ST. THOMAS UNIVERSITY**  
**POLICY ON SEXUAL AND DISCRIMINATORY HARASSMENT**  
*EMPLOYEE POLICY*

**I. Purpose**

St. Thomas University (the University) aims to create a learning environment of mutual respect and cooperation wherein all members of the university community (students, faculty, and employees) can live, function, work, and learn at the full measure of their human potential. When any member of our educational community is threatened by discriminatory, harassing, sexually harassing, or retaliatory acts, our fundamental freedoms are threatened. Toward this end, the University, while recognizing the individual right to free speech and the exercise of academic freedom, has implemented a policy aimed at eradicating actions toward individuals on the basis of their personal attributes or group affiliation.

The University will not condone nor tolerate any action and/or behavior that a reasonable person would consider demeaning to another's God-given dignity and growth as an individual. All members of the University community are expected to conduct themselves appropriately as defined by this institution and the published precepts of the Catholic Church.

This Policy on Sexual and Discriminatory Harassment (*hereafter* Policy), which supersedes all previous anti-discrimination and anti-harassment policies, applies to all faculty and staff with respect to activities occurring on all university property and university-related activities occurring off campus.

The University will not tolerate discrimination and harassment of its students, faculty members, and employees by persons conducting business with or visiting the University, although such persons are not directly affiliated with the University. Nor will the University tolerate discrimination and harassment by its students, faculty members, and employees of persons conducting business with or visiting the University, although such persons are not directly affiliated with the University.

The University's Policy on harassment and discrimination applies beyond company walls:

- Offsite work, social and other events
- Written, oral, electronic and all other forms of communication (including social networking)
- Non-employees, such as customers/clients, contractors, vendors and suppliers.

Failure to comply with this policy will subject that student, faculty member, and/or employee to discipline, up to and including expulsion and/or termination.

As discussed more fully below, this Policy prohibits all forms of sex/gender-based harassment, sexual violence, sexual exploitation, relationship violence (domestic violence and dating violence), and stalking. Collectively, these terms are referred to in this policy as "Sexual Misconduct." They are defined below under "Prohibited Conduct and Consent." (Note that non-sex/gender-based harassment is also a violation of university policy, as described under the university's Policy, available at [www.stu.edu/titleix](http://www.stu.edu/titleix)).

The Policy serves three principal purposes. First, it establishes conduct standards—namely, prohibited Sexual Misconduct—for all University faculty, staff and students. Note that a violation of this Policy may also constitute a crime, which will be independently reported to STU's Public Safety Department, Miami Gardens Police Department, or other appropriate law enforcement agency.

Second, the Policy outlines reporting, investigation, and complaint resolution procedures in cases where it is alleged that an STU faculty, staff or student has engaged in Sexual Misconduct. In the paragraphs that follow, the Policy specifies to whom violations of this policy should be reported, the availability of confidential reporting, intermediate measures available to the **complainant** (i.e., the individual who was the alleged victim of the

behavior[s] in question) and the **respondent** (i.e., the one alleged to have committed a possible violation of the policy), how the University will investigate and resolve alleged violations, possible sanctions, and appeals. The University's Office of Administrative Affairs (restricted to the following units/sections: Administrative Affairs, Human Resources, Public Safety and Risk Management, Environmental Compliance and Emergency Management) is primarily responsible for implementing these procedures. Anyone with concerns about a possible violation of the Policy by a student, faculty or staff member is encouraged to contact Lenore Prado, Human Resources at (305) 628-6514, [lprado@stu.edu](mailto:lprado@stu.edu), or through an online reporting system located at [www.stu.edu/titleix](http://www.stu.edu/titleix)

Third, the Policy describes resources available to complainants of Sexual Misconduct. A variety of support resources are available on campus and in the community to assist students in dealing with the impact of Sexual Misconduct, whether it happened recently or in the past. Such services are provided in the section titled *Resources to Help Survivors Cope* and interim measures issued by the Office of Student Affairs and/or the Office of Human Resources (or her/his designee).

## II. Scope

This Policy on Sexual and Discriminatory Harassment applies to any instance in which any STU faculty or staff is alleged to have engaged in Sexual Misconduct, regardless of the complainant's or respondent's sex, gender, sexual orientation, or gender identity, as limited to under *Section III. A. Applicable Jurisdiction*. If the respondent is both a student and an employee, then this policy applies.

## III. Definitions of Prohibited Conduct and Consent

Consistent with the federal requirement that the definitions of sexual assault, domestic violence, dating violence, and stalking in this policy be drawn from the state in which the institution is located, the following definitions of offenses and consent reflect Florida law.

- A. **Applicable Jurisdiction** includes all St. Thomas University property or off campus, where the conduct was in connection with a University or University-recognized program or activity, or the conduct may have the effect of creating a hostile environment for a member of the University community.
- B. **Complainant** is defined as an individual who complains of sexual misconduct in the manner provided under this policy.
- C. **Consent to Sexual Activity** means intelligent, knowing, and voluntary consent and does not include coerced submission. Consent shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender."
- D. **Dating Violence** (also referred to as intimate partner violence) means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature."
- E. **Domestic Violence** means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member."
- F. **Respondent** is defined as the individual who is alleged to have engaged in sexual misconduct.
- G. **Responsible Employee**, as defined by the Department of Education's Office of Civil Rights, is an employee who has the authority to take action to redress sexual harassment/misconduct; who has been given the duty of reporting incidents of sexual harassment/misconduct or any other misconduct by students to the Title IX Coordinator or other appropriate designee; or who a student reasonably believes has this authority or duty. *For the purpose of this policy, STU has declared that all faculty, staff, designated third party contractors (G4S Secure Solutions USA, Inc./Public Safety, Follett Bookstore, Fast Twitch, The Boras Corporation, The Athletes Meals, Law School Cafe and Metz Culinary Management), "student peer mentors" and*

***“resident assistants” are responsible employees. This does not include student employees defined as “work-study” or “tutor”.***

- H. Sexual Assault**, which is called “sexual battery” under Florida law, “means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object”: (1) by force; or (2) by threatening (a) to use force or violence likely to cause serious personal injury on the victim or to retaliate against the victim or any other person, and (b) the victim reasonably believes that the offender has the present ability to execute the threat; or (3) when the victim is mentally defective and the offender has reason to believe this or has actual knowledge of this factor; or (4) the victim is physically helpless to resist or is physically incapacitated.
- I. Sexual Contact** includes intentional contact with the breasts, buttock, groin, genitals, (or the clothing covering these areas) or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner.
- J. Sexual Discrimination** is any action that adversely affects the employment or educational opportunities of a person due to his or her sex. This includes discrimination on the basis of pregnancy, in sports, in scholarship programs and in decisions or action at all operational levels on campus.
- K. Sexual Harassment** is unwanted conduct of a sexual nature which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment may include but is not limited to unnecessary touching or brushing against someone in a sexual manner; demanding sexual favors; and unwelcome messages or communications of a sexual nature.
- L. Sexual Intercourse** involves vaginal, oral, or anal penetration by a penis, object, tongue, or finger.
- M. Stalking** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (a) Fear for the person’s safety or the safety of others; or (b) Suffer substantial emotional distress. For the purpose of this definition— (a) 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. (b) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. (c) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

*Any and all forms of Sexual Misconduct are strictly prohibited by the University and the University will not tolerate any violations of the Policy.*

#### **IV. Anti-Discrimination**

Discrimination on the basis of race, color, religion, national origin/ancestry, sex, sexual orientation, disability (including anyone having a positive HIV/AIDS status or perceived as having such), age, pregnancy (including pregnancy related medical conditions), marital or familial status, or any other category that is or may become protected by law is strictly prohibited. Anyone who is found, after appropriate investigation, to have engaged in discrimination toward another individual will be subject to appropriate disciplinary action, up to and including expulsion and/or termination.

No one on this campus is expected to tolerate discriminatory conduct. Should you encounter any such prohibited conduct or should you have knowledge of such prohibited conduct happening to another individual, you must report such prohibited conduct in accordance with the reporting procedures so that the University may take appropriate corrective action.

## **V. Anti-Harassment**

Harassment on the basis of race, color, religion, national origin/ancestry, sex, sexual orientation, disability (including anyone having a positive HIV/AIDS status or perceived as having such), age, pregnancy (including pregnancy related medical conditions), marital or familial status, or any other category that is or may become protected by law is strictly prohibited. Anyone who is found, after appropriate investigation, to have engaged in prohibited harassment of another employee will be subject to appropriate disciplinary action, up to and including expulsion and/or termination. Students, faculty, and employees must avoid any actions or words, including but not limited to jokes, cartoons, and anecdotes, which would constitute prohibited harassment.

## **VI. Sexual Harassment**

Sexual harassment is one type of harassment and is any unwelcome sexual advance, request for sexual favors, or other verbal, non-verbal (i.e., writing notes, staring, making sexual gestures or representations of sexual acts, or keeping nude or suggestive photos, ads, calendars, etc.), or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or participation in a university activity;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for, or a factor in, decisions affecting that individual's employment, education, or participation in a university activity; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, offensive, or hostile environment for that individual's employment, education, or participation in a university activity.

Amorous relationships that occur in the context of educational or employment supervision and evaluation present serious concerns about the validity of consent. The disparity of power between persons involved in amorous relationships of a teacher and student, supervisor and subordinate, or senior and junior colleague in the same department or unit may result in susceptibility to exploitation. Those who abuse their power in such a context violate their duty to the university community.

Relationships between faculty and students are particularly susceptible to exploitation. The respect and trust accorded to a member of the faculty by a student, as well as the power exercised by faculty in giving grades or recommendations for future study and employment, make voluntary consent by the student suspect.

Amorous relationships of a teacher and student, supervisor and subordinate, senior and junior colleague in the same department or unit, or between anyone who has any power over the other individual that may result in susceptibility to exploitation is a violation and must be reported to the Associate Director of Human Resources.

Anyone who engages in a sexual relationship with a person over whom he or she has any power or authority within the university structure must understand that the validity of the consent can and may be questioned. In the event of a charge of sexual harassment, the University will give critical scrutiny to any defense based upon consent when the facts establish that a power differential existed within the relationship.

No one on this campus is expected to tolerate harassing conduct of any sort. Should you encounter any such prohibited conduct or should you have knowledge of such prohibited conduct happening to another individual, you must report such prohibited conduct in accordance with the reporting procedures so that the University may take appropriate corrective action.

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report such prohibited conduct in accordance with the reporting procedures so that the University may take appropriate corrective action.

## VII. Stalking

St. Thomas University aims to create a safe learning environment for its students, faculty and employees. Accordingly, the University will not tolerate the stalking of any member of the university community as defined by Florida law. Violations of the Florida anti-stalking law may result in disciplinary action, up to and including expulsion and/or termination.

A person commits stalking when any of the following occur:

- (1) Any person who willfully, maliciously, and repeatedly follows, harasses or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided the Florida Statute §775.082 or §775.083.
- (2) Any person who willfully, maliciously, and repeatedly follows or harasses another person, and makes a credible threat with the intent to place that person in reasonable fear of death or bodily injury, commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in Florida Statute §775.082, §775.083, or §775.084.
- (3) Any person who, after an injunction for protection against repeat violence pursuant to Florida Statute §784.046, or an injunction for protection against domestic violence pursuant to Florida Statute §741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows or harasses another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in Florida Statute §775.082, §775.083, or §775.084.
- (4) Any person who willfully, maliciously, and repeatedly follows or harasses a minor under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in Florida Statute §775.082, §775.083, or §775.084.
- (5) Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

## VIII. The Importance of Consent

Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely and actively by all parties. Relying solely upon nonverbal communication can lead to miscommunication. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during a sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. All parties should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. ***Being intoxicated does not diminish one's responsibility to obtain consent.***

Conduct will be considered "without consent" if no clear consent, verbal or nonverbal, is given. It should be noted that in some situations an individual's ability to freely consent is taken away by another person or circumstance. Examples include, but are not limited to, when an individual is incapacitated due to alcohol or other drugs, scared, physically forced, passed out, asleep, unconscious, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined.



**IX. Evidence Preservation**

Survivors of sexual assault, domestic violence, dating violence, and stalking are encouraged to preserve evidence of these acts, which can take a great variety of forms and must often be preserved, or obtained through the help of medical or law enforcement personnel, immediately after the traumatic event. Evidence of a sexual assault, for example, can disappear if the survivor showers or washes up before it is collected, or changes clothes (If clothes are changed, evidence is best preserved by placing each item in a separate paper bag, rather than plastic bag). Evidence of “date rape” drugs like Rohypnol and Gamma-Hydroxybutyrate (GHB), which are better detected through urine samples than blood tests, dissipates rapidly over time.

**X. Bystander Intervention**

Sexual misconduct, assault, domestic violence, dating violence, and stalking can occur in the presence of bystanders or even friends of the parties involved. It can occur over the course of time with the knowledge of others, sometimes many others. Often opportunities present themselves for others to intervene in a fashion that is both safe for them and effective in averting an offense. Just as it is said that friends don’t let friends drive drunk, it could also be said –particularly in the context of “date rape” occurring during or after a party or domestic violence and stalking occurring over the course of time – that friends intervene when friends are committing or about to commit serious offenses of a violent or sexual nature. The University encourages all those who can safely and effectively help prevent sexual misconduct, assault, domestic violence, dating violence, and stalking to intervene, and will take the steps within its powers to protect anyone who does from retaliation.

**XI. Retaliation**

The University will not tolerate retaliation against an individual who reports a violation or perceived violation of these policies on discrimination and harassment or who is involved in the investigation of any violation of these policies. The complainant and the individual participating in any investigation are assured of absolute protection from any retaliation. Anyone who engages in retaliation against an individual who has in good faith reported a violation of the laws and/or the University’s policies, whether or not one agrees with the facts reported, or who has engaged in retaliation against an individual participating in any investigation, is subject to discipline, up to and including expulsion and/or termination.

No one on this campus is expected to tolerate retaliatory conduct. Should you encounter any such prohibited conduct or should you have knowledge of such prohibited conduct happening to another individual, you must report such prohibited conduct through the same channels the initial conduct is reported and in accordance with the reporting procedures set forth herein.

**XII. Reporting**

**All** violations of the Policy must be submitted to Lenore Prado, Title IX Coordinator/Associate Director of Human Resources at (305) 628-6514, [lprado@stu.edu](mailto:lprado@stu.edu) or online at [www.stu.edu/titleix](http://www.stu.edu/titleix). Anyone who is made aware of discrimination, harassment, sexual harassment, and/or retaliation and fails to report it according to these procedures may be subject to disciplinary action, up to and including expulsion and/or termination.

Faculty, staff and students may also contact the Department of Education’s Office of Civil Rights (OCR).

The OCR office for Florida is located at:

Atlanta Office  
Office for Civil Rights

The OCR National Headquarters is located at:

U.S. Department of Education  
Office for Civil Rights

U.S. Department of Education  
61 Forsyth St. S.W., Suite 19T10  
Atlanta, GA 30303-8927

Telephone: 404-974-9406  
FAX: 404-974-9471; TDD: 800-877-8339  
Email: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)

Lyndon Baines Johnson Department of Education Bldg.  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

## **A. How To Report Discrimination and/or Harassment**

If discrimination, harassment, sexual harassment, and/or retaliation happens to you or is observed by you but directed to another, **YOU MUST DO THE FOLLOWING:**

- (1) You are encouraged to tell the violator that such conduct/language is unacceptable, if appropriate; and
- (2) You **MUST** immediately report the prohibited conduct to your department head (or other person who has supervisory responsibility over you) and the Associate Director of Human Resources.
- (3) If you are uncomfortable going to either your department head (or other person who has supervisory responsibility over you) or the Associate Director of Human Resources or both, then you **MUST** go directly to the Director of Administration.

Even if the discrimination, harassment, sexual harassment, and/or retaliation are caused by a student or third party, such as a campus visitor, the prohibited conduct **MUST** be immediately reported through these reporting channels.

All reported complaints will be treated as confidentially as circumstances permit and will be investigated and resolved promptly where such resolution is called for. All employees should realize that the University has, from the moment it is on notice of discriminatory, harassing, sexually harassing, or retaliatory conduct, an affirmative duty to promptly investigate and take temporary remedial action and corrective remedial action, if necessary. No one can ask the University just to be aware of the problem but do nothing. The University **MUST** investigate and remediate.

On receipt of the complaint, the University will remind all parties about the University's policies on such matters, including specifically the fact that no retaliation will be tolerated against the individual bringing the complaint or individuals involved in the investigation of the complaint. The University will instruct all parties involved that they must immediately report any retaliation they experience so that the University may promptly investigate and remediate the situation.

Knowingly false accusations of discrimination, harassment, sexual harassment, and/or retaliation can have serious consequences for an innocent person who is wrongly accused. The University makes such a statement not to discourage reporting matters that might be doubtful. **WHEN IN DOUBT, YOU MUST REPORT.** Any intentionally false report will be treated, as any other lie would be, as a serious violation of the University's policies and would trivialize real complaints and concerns. The University encourages every person to report violations, seek consultation about questionable matters, and assist others in complying with the letter and spirit of this policy. Simply because a charge cannot be substantiated or because someone is mistaken in their good faith belief, is no basis for negative action.

## **B. What Happens Once a Report Is Made?**

After receiving the complaint, a university representative will promptly conduct an investigation. The university representative will speak with the complainant, the accused, and any witnesses it deems necessary,

and will conduct any other investigatory work that may be necessary. During this investigation period, the University may take temporary measures to protect affected individuals, if necessary. The University will share the results of this investigation and remedial action with the complainant, the accused, and, if appropriate, others necessary to achieve remediation. Remedial actions for violations of this policy may be in the form of disciplinary action, up to and/or termination.

### **XIII. Requests to Maintain Confidentiality**

St. Thomas University recognizes that confidentiality is important. Consistent with this principle, a complainant of Sexual Misconduct may request that the Title IX Coordinator/ Associate Director of Human Resources maintain his/her confidentiality, which may limit the extent to which the Title IX Coordinator/ Associate Director of Human Resources can respond. A request to preserve the confidentiality of any party involved in a report should be made to Lenore Prado, Title IX Coordinator/ Associate Director of Human Resources, [lprado@stu.edu](mailto:lprado@stu.edu). The University will attempt to maintain confidentiality except where, in the University's judgment, maintaining confidentiality would jeopardize the safety of members of the University community (including the complainant) or where the University is required by law to disclose the information (such as in response to a legal process).

There are two (2) categories of individuals at the University with a complainant or respondent can discuss an incident related to an incident covered under this Policy:

#### **A. Confidential Resources**

Confidential resources of for faculty and staff includes the staff in the Student Health Center, Director of Campus Ministry, and University Chaplain.

Confidential resources are not required to report any instances that violate this Policy to the Title IX Coordinator, Deputy Title IX Coordinators or Public Safety. Unless otherwise required by law or under governing professional standards, Confidential Resources are not required to report the incident if the complainant wants the matter to remain confidential.

#### **B. Responsible Employees/Reporters**

Reporters are designated individuals within the University where a violation of this Policy can be reported to. Reporters are required to advise the Title IX Coordinator or Deputy Title IX Coordinators of a violation of this Policy and share all details related to the incident. **For this Policy, all University faculty and staff are designated as Reporters unless denoted otherwise in Section XIII.A: Confidential Resources.**

All participants (including the complainant and respondent, witnesses, advisors, and members of hearing panels) in any part of the outlined process that follows are required to respect the confidentiality of the proceedings and circumstances giving rise to the report.

If a violation of this policy is reported to Responsible Employee or a Reporter, and the complainant wishes to maintain confidentiality or requests that no investigation be conducted or disciplinary action be taken, the University will weigh such a request against the University's obligation to provide a safe, non-discriminatory environment. There will be times when the University may not be able to honor a complainant's request in order to comply with this obligation. The ultimate decision as to whether the request for confidentiality will be honored will be made by the Title IX Coordinator. If the University determines that it cannot maintain confidentiality, the University will inform the complainant prior to starting an investigation and will, to the



extent possible, only share information with those individuals responsible for the investigatory and disciplinary processes.

#### **XIV. False Reporting**

Anyone who files a report of, or later provides information about, sexual assault, domestic violence, dating violence, or stalking: that she or he knows to be untrue, may be subject to disciplinary action within the University and may also have violated criminal and civil laws against defamation. The good-faith submission of a report or information that turns out to be untrue is entirely distinct from knowingly submitting a false report or false information.

#### **XV. Employee and Faculty Grievance Procedures**

St. Thomas University believes in the fair and equitable treatment to its employees. Toward that goal, the University has implemented a procedure for promptly, fairly, and judiciously reviewing employee grievances regarding material work-related decisions. Material work-related decisions are those relating to compensation, disciplinary action, and hours of work.

This Policy does not apply to University faculty members. Faculty members that are not satisfied with the outcome of a work-related decision should follow the University's grievance procedures for faculty members.

This Policy does not supersede or work in conjunction with the University's anti-discrimination/anti-harassment policy. Anyone experiencing discrimination, harassment, and/or sexual harassment on the basis of race, color, religion, national origin/ancestry, sex, sexual orientation, disability (including anyone having a positive HIV/AIDS status or perceived as having such), age, pregnancy (including pregnancy related medical conditions), marital or familial status, or any other category that is or may become protected by law must reported such prohibited conduct in accordance with the University's anti-discrimination/ant-harassment policies and not this policy.

Any disciplinary actions resulting from violations of the University's anti-discrimination/anti-harassment policy are not reviewable under this policy. If you are not satisfied with the results of an investigation and resolution pursuant to the University's anti-discrimination/anti-harassment policy, you must follow the procedures outlined in that policy and not this policy.

Employees shall be entitled to such time off from regular duties as may be necessary and reasonable for the resolution of the grievance or appeal without loss of pay, vacation, or other work credits. Employees who have not completed the initial three months' probationary period are entitled to all rights of grievance and appeal except the right of appeal of involuntary separation, reassignment (excluding reassignment as a result of the University's anti-discrimination/anti-harassment policy), or demotion (excluding demotion as a result of the University's anti-discrimination/anti-harassment policy).

##### **A. The First Step: Informal Resolution**

If you are not satisfied with the outcome of a material work-related decision that is covered under this policy, excluding any disciplinary action resulting from the University's anti-discrimination/anti-harassment policy, you must notify your immediate supervisor in writing of your wish to present a grievance. If your immediate supervisor is the person being accused of the grievance, then you must present your grievance in writing to the Director of Administration. The Director of Administration then will appoint someone to investigate the grievance.

On receipt of the grievance, the reviewer will generally schedule a meeting/hearing with you within three (3) business days. The reviewer may have higher level supervisors participate in the hearing or may consult with higher level supervisors outside the hearing prior to rendering a decision.

The answer from the reviewer must be in written form. Generally within eight (8) business days from receipt of the grievance, the reviewer will provide a written report and resolution or provide a written explanation as to the conditions that prevent an answer and when an answer may be expected.

**B. The Second Step: Review by the Director of Administration**

If the decision reached in Step 1 is not satisfactory to you or if a response is not received within the specified period, you must make a written appeal to the Director of Administration within five (5) business days after the date established for the reviewer's decision.

The Director of Administration will determine to what extent facts will be required in writing. The Director of Administration will advise you of the course of action and will generally provide a decision within five (5) business days after receipt of the written appeal. In the absence of an appeal by either you or the accused, the University will generally implement the decision in Step 2 within a period of five (5) business days.

**C. Step Three: Final Review by Committee**

If the decision reached in Step 2 is not satisfactory to you or the accused or is not properly implemented, a written appeal must be filed with the Director of Administration within five (5) business days after receipt of the decision.

The Director of Administration will form a St. Thomas University Grievance Committee consisting of the following: (1) an employee chosen by you; (2) an employee chosen by the accused; and (3) an employee chosen by the University. The latter member will serve as the chair of the committee. A member of the Office of Human Resources will serve as recorder for the committee. The party requesting the appeal must provide a written summary of the specific facts of the complaint to the committee, copies of which shall be provided at the same time to all other parties concerned. The Grievance Committee shall conduct whatever hearings, investigations, and fact-findings it may consider necessary, but in no case shall the investigation period exceed twenty (20) business days. The chair of the committee will inform the President of the University, in writing, of the details of the problem, the reason why it was not resolved at lower levels, and the recommendations of the Grievance Committee.

The President will generally render a final decision within five (5) business days after reviewing the Grievance Committee's recommendation, and this decision will be announced immediately, in writing, to all parties concerned.

**XVI. Faculty Appeal Procedures**

**A. Step One: Review by the Provost of the University**

If you are not satisfied with the outcome of a work-related decision, excluding any disciplinary action resulting from the University's anti-discrimination/anti-harassment policy, you must notify, in writing, the Provost of the University within four (4) weeks following the act or omission in question of your wish to present a grievance.

You may request postponement of any action in processing the grievance formally for a period of up to three (3) weeks, so long as efforts to resolve the grievance informally shall be made. You may at any time

terminate the postponement period by giving written notice to the Provost of the University that you wish to re-initiate the formal procedure. If no postponement is requested, the Provost of the University shall conduct a meeting with you no later than three (3) weeks following (a) receipt of the grievance or (b) upon receipt of written notice that you wish to proceed with the meeting prescribed in Step 1.

At the Step 1 meeting, you shall have the right to present any evidence in support of the grievance. The Provost of the University shall issue a written decision, stating the reasons thereof, within three (3) weeks following the conclusion of the meeting.

### **B. Step Two: Review by the Academic Freedom, Contracts, Rank and Tenure Committee**

If the grievance is not satisfactorily resolved by Step 1, you must file a written request for review with the Academic Freedom, Contracts, Rank and Tenure Committee. The Academic Freedom, Contracts, Rank and Tenure Committee shall schedule a meeting with you no later than three (3) weeks following receipt of the request for review.

Subsequent to this meeting, the committee will make a recommendation to the Provost of the University who shall issue a written decision, stating the reasons thereof, within three (3) weeks following the conclusion of the review meeting.

### **C. Step Three: Final Review by the President**

If the grievance has not been satisfactorily resolved by Step 2, you must file a written request for review by the President. The President shall schedule a meeting no later than three (3) weeks following receipt of the request for review.

The President will render a final decision within three (3) weeks after reviewing the Academic Freedom, Contracts, Rank and Tenure Committee's recommendation, and this decision will be announced immediately, in writing, to all parties concerned.

## **XVII. Resources to Help Survivors Cope**

### **A. Campus Counseling**

The University strongly encourages survivors to consult with, at no cost, the Student Health Center's full-time counselor, who is trained in assisting survivors of sexual misconduct, assault, domestic violence, dating violence, and stalking, and who can refer them to other helpful programs and resources within the local community. The counselor is located in the Student Health Center in the Student Union Center building and can be reached at (305) 628-6695/6690. The Office of Campus Ministry is another on campus resource for individuals seeking faith-based counseling. The staff in Campus Ministry are located in Mimi Dooner Hall and can be reached at (305) 628-6525.

### **B. Off Campus Resources**

Community programs assisting survivors of sexual assault, domestic violence, dating violence, and stalking include:

- The Roxcy Bolton Rape Treatment Center is located at 1611 NW 12th Avenue in Miami. Its phone number is (305) 585-5185 and its website is at [www.jhsmiami.org](http://www.jhsmiami.org). The Center, which has a 24-hour

hotline and whose services are free, provides crisis intervention; information and referrals to medical, counseling, and legal resources; prevention education; and individual and group therapy.

- Jessie Trice Community Health Center is located at 4692 NW 183rd Street in Miami Gardens. Its phone number is (305) 474-6855 and its website is at <http://www.jtchc.org/>. The Center provides counseling and health care services.
- The Lodge is a shelter for victims of domestic violence, rape and sexual assault in Miami-Dade County (exact address not provided for victims' safety). The 40-bed, 10-crib facility provides refuge and crisis intervention to battered women and their children when home is not a safe place. The shelter is open 24 hours a day, 365 days a year. It offers support groups, outreach programs, and court advocacy among other services. Crisis Line: (305) 693-0232; E-mail: [info@thelodgemiami.org](mailto:info@thelodgemiami.org); Website: <http://www.thelodgemiami.org/>
- Women in Distress of Broward County, which can be contacted at (954) 761-1133 or at <http://www.womenindistress.org/>, is a full-service domestic violence center serving Broward County with a 24-hour hotline and emergency shelter, as well as counseling and support for survivors and their children.
- Project Style is located at 169 E. Flagler Street, suite 1300, in Miami. Its phone number is (305) 458-2356 and its website is at <http://www.stylemiami.org/>. Project Style provides, among other resources, HIV testing and free counseling.

### **XVIII. Applicable Legal Requirements**

This policy is designed to comply with applicable legal requirements, including Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"). STU does not discriminate on the basis of sex, sexual orientation, gender, or gender identity or expression in its education or employment programs and activities.

### **XIX. Sunset Review**

This policy shall be reviewed in two (2) years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed before that time as necessary to reflect substantial organizational, physical, or academic change(s) at STU or any change required by law.

*Responsible Authority: Office of Administrative Affairs/Human Resources*