

ST. THOMAS UNIVERSITY
POLICY ON SEXUAL AND DISCRIMINATORY HARASSMENT
STUDENT POLICY

I. Purpose

St. Thomas University (*hereafter* University or STU), is committed to encouraging and sustaining a learning and living community that is free from harassment, violence, and prohibited discrimination. Consistent with this commitment and Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex/gender in any of the institution's programs or activities. STU has developed this comprehensive Sexual and Discriminatory Harassment Policy, applicable to all students. Further, STU conducts education and awareness programs with the goal of preventing and discouraging sexual assault, domestic violence, dating violence, and stalking.

As discussed more fully below, this Policy on Sexual and Discriminatory Harassment (*hereafter* 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." (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).

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, or through an online reporting system located at 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 Human Resources (or her/his designee).

II. Scope

This Policy on Sexual and Discriminatory Harassment applies to any instance in which any STU student or campus visitor is alleged to have engaged in Sexual Misconduct, regardless of the complainant's or respondent's sex, gender, sexual orientation, or gender identity. The University may respond to any complaint of Sexual

Misconduct that occurred within a student's career, from matriculation to graduation (including breaks, leaves of absence, travel aboard or periods of dismissal), whether on or off campus, as limited to under *Section III. A. Applicable Jurisdiction*. The disciplinary process is available as an option until an accused student graduates.

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" as 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** means “willfully, maliciously, and repeatedly follow[ing], harass[ing], or cyberstalk[ing] another person.” “Harass[ing]” means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.

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. 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.

V. 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.

VI. 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.

VII. Retaliation

Retaliation is prohibited under this Policy. Any individual who believes he or she has been subjected to misconduct under this policy is encouraged and has the right to seek support, utilize available resources, and come forward with his/her concern or complaint. Fear of retaliation should never be an obstacle to reporting an incident of alleged sex/gender-based harassment, sexual violence, relationship violence, or stalking. Retaliation is prohibited against anyone who participates in an investigation of or follow-up to a complaint of a violation of this policy.

VIII. 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 or online at www.stu.edu/titleix. Alternatively, reports can be submitted to Deputy Title IX Coordinators: Peter Kelly, Assistant Dean for Alumni Relations, (Law) at (305) 623- 2374/pkelly@stu.edu or Maritza Rivera, Director of Academic Enhancement, (Main Campus) at (305) 628-6564/ mrivera@stu.edu.

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
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

The OCR National Headquarters is located at:

U.S. Department of Education
Office for Civil Rights
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

Reports involving an alleged perpetrator may be filed at any time; prompt reporting can aid an investigation. A student may confidentially report a violation of this policy to those who serve in a professional role in which communication is privileged under Florida law and to those whom the University has designated as confidential reporters consistent with Title IX. Persons who may maintain strict confidentiality include:

- Student Health Center personnel
- Campus Ministries personnel
- Clergy acting in their professional role at STU

Students should be aware that, with the exception of these confidential resources, all employees who become aware of conduct that might fall under this policy are expected to notify the Title IX Coordinator/ Associate Director of Human Resources with the names of the parties involved and the details of the report. Students who serve in an ongoing peer-advising role (such as Resident Assistants) are also expected to share such reports with the Title IX Coordinator/ Associate Director of Human Resources.

Amnesty will be given for various student code of conduct violations, for example, minor alcohol or drug infractions, for students reporting incidents of sexual assault or other sexual violence. Once a report is received, an investigation and possible remedial actions may occur, including adjudication through the disciplinary process described below, interim measures (e.g., a “no contact” directive, trespass from campus, interim suspension), reasonable academic or housing modifications, or other remedies designed to reasonably minimize the recurrence of such conduct as well as mitigate the effects of the alleged behavior.

IX. 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. 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 for students includes the staff in the Student Health Center, Associate/Assistant Dean of Students (main and law campuses), Director of Campus Ministry and the 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 IX.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.

X. 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.

XI. Complaint Resolution

A. Time Frames

The University's overall goal is to resolve complaints under this policy within 60 calendar days from receipt of a report. An investigation typically takes 21 to 45 days to complete. Generally within 14 days after completion of an investigation (during which time staff in the Title IX Coordinator, Deputy Title IX Coordinators or Title IX Investigators may be seeking clarifying information and/or meeting with a complainant, respondent, investigator, or others), a hearing, if applicable, is scheduled.

Circumstances may require extensions of this overall 60-day time frame or any individual time frame discussed in this policy. The university reserves the right to extend these time frames in its sole discretion. Examples of reasons why time frames may need to be extended include the complexity of the case, delays due to fall/spring/summer/holiday breaks, inclement weather, and other extenuating circumstances. Exceptions to these time frames will be communicated to the complainant and respondent.

B. Investigation

The Title IX Coordinator/ Associate Director of Human Resources is charged with investigating reports of violations of the Sexual or Discriminatory Harassment Policy, provided there are no conflicts of interest. During an investigation, a complainant and respondent have an opportunity to present witnesses and other evidence. Because every case is different, the Title IX Coordinator/ Associate Director of Human Resources will tailor each investigation to the specific facts of the case, which may include some or all of the following steps:

- After receiving a report, the Title IX Coordinator/ Associate Director of Human Resources, or designee may meet with a complainant and respondent separately in order to hear or clarify his/her account of the incident, review the disciplinary process, and discuss other possible remedies.
- A formal investigation may be launched to investigate the complaint, interview witnesses, collect additional information, and submit a written report of findings.
- After the formal investigation, the Title IX Coordinator/ Associate Director of Human Resources, or designee may ask further clarifying questions of the complainant, the respondent, and/or witnesses. The Title IX Coordinator/ Associate Director of Human Resources, or designee will determine

whether to proceed with the disciplinary process based on its assessment of whether there is sufficient information to believe that a policy violation may have occurred.

- Should a determination be made not to proceed with the disciplinary process, the complainant may meet with Title IX Coordinator/ Associate Director of Human Resources, or designee to review that decision. Should a determination be made to proceed with the disciplinary process, the procedures outlined below in the section *Hearing Procedures* will apply.
- During an investigation and until resolution of the matter, interim restrictions may be issued as deemed appropriate by the Title IX Coordinator/ Associate Director of Human Resources or designee. This includes restrictions on contact between the complainant and the respondent, exclusion from areas of campus, removal or relocation from residential areas, etc. An interim suspension may be imposed by the dean of the school or college or the Office of Student Affairs, or the Administrative Affair Unit, or designee.

C. Information for Complainants

Complainants will be treated with respect before, during, and after the disciplinary process. Complainants will be informed of the University's disciplinary process and possible outcomes. The University will communicate substantive findings and, when warranted, procedural developments regarding an investigation. The alleged conduct may also be criminal in nature, and complainants have the right to report such conduct to STU's Public Safety, Miami Gardens Police, or other appropriate law enforcement agency. A criminal report does not preclude University disciplinary action. Regardless of whether a complainant pursues a criminal complaint and/or the university's grievance process through this Policy, the University may investigate the incident(s) in question and will take appropriate responsive action to ensure that the educational environment is free of discrimination and to prevent the recurrence of a hostile environment—and, if appropriate, remedy the effects of the alleged harassment on the complainant. Remedies available to a complainant may include, but are not limited to: reasonable academic accommodations, on-campus housing reassignment, a "no contact" order between the respondent and the complainant, and disciplinary action against the respondent as determined through the disciplinary process outlined in this Policy. Note that mediation is not an appropriate remedy for any allegation of violence.

An advisor of the complainant's choice may accompany the complainant to all meeting with Title IX Coordinator/ Associate Director of Human Resources, the investigator, or to a hearing. The advisor's role in any meeting or hearing is limited to quietly conferring with the complainant through written correspondence or whisper, and the advisor may not address any other participant or the hearing panel.

D. Information for Respondents

Respondents will be treated with respect before, during, and after the disciplinary process. Respondents will be informed of the University's disciplinary process and possible outcomes. The University will communicate substantive findings and, when warranted, procedural developments regarding an investigation. Note that alleged behavior may also be criminal in nature, and a respondent may be subject to a criminal investigation by the appropriate law enforcement agency at the same time as an investigation by the university under this policy. Respondents can expect a presumption of innocence throughout the disciplinary process unless and until they are found responsible for a violation of this policy.

Respondents may request changes to academic and living situations and will be notified as to what changes are reasonably available. An advisor of the respondent's choice will accompany the respondent to all meeting(s) with the Title IX Coordinator/ Associate Director of Human Resources, the investigator, or to a hearing. The advisor's role in any meeting or hearing is limited to quietly conferring with the respondent through written correspondence or whisper, and the advisor may not address any other participant or the hearing panel.

XII. Hearing Procedures

When the Title IX Coordinator/ Associate Director of Human Resources, or designee decides that a case should proceed to disciplinary proceedings, the case may be resolved either through an administrative resolution or a hearing panel. Under both types of proceedings, the university will use a "preponderance of the evidence" standard and evaluate available information from the perspective of a reasonable person in the complainant's position and in consideration of the context of the behavior.

A. Administrative Hearing

At the discretion of the Title IX Coordinator/ Associate Director of Human Resources, or designee, and with the agreement of both the complainant and respondent, a report may be resolved through an administrative hearing. The parties will be notified (typically via e-mail) of the specific violations of the Sexual and Discriminatory Harassment Policy under consideration in advance of an administrative hearing. The Title IX Coordinator/ Associate Director of Human Resources, or designee will review the report separately and in private with each party and give each party an opportunity to respond. The Title IX Coordinator/ Associate Director of Human Resources, or designee will determine if the respondent is responsible for the alleged policy violation, and, if so, issue (an) appropriate sanction(s). The parties will be notified of the outcomes concurrently. If the respondent or complainant does not accept the administrative hearing resolution, he/she may request by the stated deadline a hearing before a hearing panel, as described below.

B. Hearing Panel

If the Title IX Coordinator/ Associate Director of Human Resources, or designee will select five (5) members from the University to resolve a complaint under this Policy. Each member of the administrative hearing panel is required to complete Title IX investigator training prior to serving in that capacity. With a hearing panel, a finding of responsibility must be based on a unanimous vote; any sanction must be decided by a majority vote with the exception of suspension or expulsion, which must be supported unanimously.

The following procedures apply to a complaint that proceeds to a hearing panel:

- **Notice:** Both the complainant and the respondent will be notified at least five (5) business days in advance of the date and time of the hearing and the names of the hearing panelists.
- **Hearing Packet:** In advance of the hearing, the Title IX Coordinator/ Associate Director of Human Resources, or designee prepares a packet with information relevant to the case to be shared with the administrative hearing panel. The Title IX Coordinator/ Associate Director of Human Resources, or designee will share a copy of that packet with both the complainant and the respondent at least five (5) business days in advance of the hearing. If a complainant or respondent wishes to share additional

relevant written information to the administrative hearing panel in advance of the hearing, it must be submitted to the Title IX Coordinator/ Associate Director of Human Resources, or designee within three (3) business days of the hearing, which will then share that material with the complainant or respondent no later than two (2) business days before the hearing. The Title IX Coordinator/ Associate Director of Human Resources, or designee will determine the relevancy of the additionally submitted material.

- **Conflict of Interest:** A complainant or respondent may challenge the participation of a panelist he/she perceives to have a conflict of interest. Such challenges, including rationale, must be made to the Title IX Coordinator/ Associate Director of Human Resources, or designee at least two (2) business days prior to the commencement of the hearing. At its discretion, the Title IX Coordinator/ Associate Director of Human Resources, or designee will determine whether such a conflict of interest exists and whether a panelist should be replaced.
- **Witnesses:** A complainant and respondent may offer relevant material witnesses to provide testimony. Absent exceptional circumstances, the complainant and respondent should inform the Title IX Coordinator/ Associate Director of Human Resources, or designee in writing at least two (2) business days in advance of the hearing the names of any witnesses he/she wishes to testify and to what they will attest. Names of witnesses submitted to the Title IX Coordinator/ Associate Director of Human Resources, or designee by the complainant or respondent will be shared with the other party in advance of the hearing. Note that a hearing panel may, in its sole discretion, exclude witnesses or witness testimony deemed irrelevant or duplicative. Participants are reminded that any information shared during a hearing is confidential.
- **Character References:** A complainant and respondent may submit two written character references to a hearing panel before the hearing begins. Character references may only address the character of the complainant/respondent and may not address the specific issue at hand.
- **Hearing Procedure:** The general course of procedure for a panel hearing is as follows: introductions; respondent's statement regarding whether he/she accepts or denies responsibility; opening comments from the complainant; opening comments from the respondent; questions; testimony/questions of other material witnesses (if applicable); closing comments from the complainant; and, closing comments from the respondent. A complainant or respondent may not question each other or other witnesses directly, but may raise questions to be asked of that party through the hearing panel, which will determine whether to ask them. As noted, the hearing panel may exclude witnesses or witness testimony that it deems irrelevant or duplicative. A hearing panel has general authority over the conduct of the hearing (e.g., it may set time frames for witness testimony and it may limit opening/closing statements or their length, etc.).

The complainant and respondent will receive written notification of the decision of a hearing panel as required by Title IX, no sooner than two business days and no later than five business days after the hearing. Notification will be individually given to the respondent and complainant at approximately the same time. (For reports resolved through an administrative hearing, only a written notice of the outcome will be delivered to the complainant and respondent.) A written hearing report outlining the decision and rationale of the hearing panel will be later delivered to the respondent and the complainant.

C. Appeals

A respondent who is found responsible for a violation of this policy may appeal to the appellate board based on the following grounds: 1) new information (available after a hearing) of a nature such that the verdict or

sanction may have been different; 2) procedural errors within the hearing process which may have substantially affected the fairness of the hearing; and/or 3) the finding was inconsistent with the weight of the information. A complainant may also appeal the outcome on one or more of the above stated grounds. The composition of the appellate board for cases arising under this policy includes members of the university community appointed by the University President in consultation with the Title IX Coordinator/ Associate Director of Human Resources, or designee. A four (4)-person panel of the appellate board, typically including, when possible, at least one faculty, staff member, or student from the complainant and respondent's school, will review the appeal, the hearing report, any information included in the hearing, and any additional information it deems relevant. A complainant or respondent may request to meet with the panel of the appellate board to amplify his/her ground(s) of appeal. Note: Members who serve on the administrative hearing panel are not allowed to serve on appellate board.

XIII. 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. 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; 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.

XIV. 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.

XV. 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*