



FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
ACADEMIC POLICY AND STUDENT AFFAIRS COMMITTEE

Wednesday, June 6, 2018
10:00 a.m. **approximate start time*
Florida International University
Modesto A. Maidique Campus
Graham Center Ballrooms

Committee Membership:

Cesar L. Alvarez, *Chair*; Natasha Lowell, *Vice Chair*; Jose J. Armas; Dean C. Colson; Michael G. Joseph; Marc D. Sarnoff; Jose L. Sirven, III; Kathleen L. Wilson

AGENDA

- | | |
|---|-----------------------|
| 1. Call to Order and Chair's Remarks | Cesar L. Alvarez |
| 2. Approval of Minutes | Cesar L. Alvarez |
| 3. Action Items | |
| AP1. Tenure Nominations | Kenneth G. Furton |
| AP2. Tenure as a Condition of Employment Nominations | Kenneth G. Furton |
| AP3. Revisions to Regulation FIU-105 Prohibited Discrimination, Harassment and Related Misconduct Including Sexual and Gender-Based Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking | Shirlyon J. McWhorter |
| AP4. Proposed Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII) | Shirlyon J. McWhorter |
| AP5. Repeal of Regulation FIU-2520 Disruptive Student Conduct | Larry Lunsford |
| AP6. Revisions to Regulation FIU-2501 Student Code of Conduct | Larry Lunsford |
| AP7. Revisions to Regulation FIU-110 Demonstrations | Carlos B. Castillo |
| AP8. Revisions to Regulation FIU-111 Camping | Carlos B. Castillo |
| 4. Information/Discussion Items (<i>No Action Required</i>) | |
| 4.1 Mental Health Counseling | Larry Lunsford |

4. Information/Discussion Items *(Continued...)*

4.2 Academic Affairs Regular Reports

- | | |
|---|--------------------------|
| ▪ FIU <i>BeyondPossible</i> 2020 | Pablo G. Ortiz |
| ▪ Academic and Career Success | Valerie Johnsen |
| ▪ Engagement | Saif Y. Ishoof |
| ▪ Enrollment Management and Services | Kevin B. Coughlin |
| ▪ Information Technology | Robert Grillo |
| ▪ Research and Economic Development/ University Graduate School | Andres G. Gil |
| ▪ Student Affairs | Larry Lunsford |

5. New Business *(If Any)* **Cesar L. Alvarez**

6. Concluding Remarks and Adjournment **Cesar L. Alvarez**

The next Academic Policy and Student Affairs Committee Meeting is scheduled for Wednesday, September 5, 2018

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Academic Policy and Student Affairs Committee
June 6, 2018

Subject: Approval of Minutes of Meeting held February 27, 2018

Proposed Committee Action:

Approval of Minutes of the Academic Policy and Student Affairs Committee meeting held on Tuesday, February 27, 2018 at the FIU, Modesto A. Maidique Campus, Student Academic Success Center, Room 100.

Background Information:

Academic Policy and Student Affairs Committee members will review and approve the Minutes of the Academic Policy and Student Affairs Committee meeting held on Tuesday, February 27, 2018 at the FIU, Modesto A. Maidique Campus, Student Academic Success Center, Room 100.

Supporting Documentation:	Minutes: Academic Policy and Student Affairs Committee Meeting, February 27, 2018
----------------------------------	--

Facilitator/Presenter:	Cesar L. Alvarez, <i>Academic Policy and Student Affairs Committee Chair</i>
-------------------------------	--

This page intentionally left blank



**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
ACADEMIC POLICY AND STUDENT AFFAIRS COMMITTEE
MINUTES
FEBRUARY 27, 2018**

1. Call to Order and Chair's Remarks

The Florida International University Board of Trustees' Academic Policy and Student Affairs Committee meeting was called to order by Committee Chair Cesar L. Alvarez at 9:30 a.m. on Tuesday, February 27, 2018, at the Modesto A. Maidique Campus, Student Academic Success Center, Room 100.

Committee Chair Alvarez welcomed all Trustees, University faculty and staff to the meeting.

General Counsel Carlos B. Castillo conducted roll call of the Academic Policy and Student Affairs Committee members and verified a quorum. Present were Cesar L. Alvarez, *Chair*; Natasha Lowell, *Vice Chair*; Dean C. Colson; Krista M. Schmidt; and Kathleen L. Wilson.

Board Chair Claudia Puig, Trustees Leonard Boord, Gerald C. Grant, Jr., and University President Mark B. Rosenberg were also in attendance.

Assistant Vice President for Student Affairs Anthony DeSantis provided an update on the pause of all fraternity and sorority activities on FIU campuses. He noted that each Greek organization that was eligible for reinstatement (32 of the 37 active chapters) was invited to submit a packet and give a presentation demonstrating that chapter leadership understood the role and responsibility of participating in fraternity and sorority life. AVP DeSantis indicated that of 21 groups approved to present to the committee, 16 were approved for reinstatement, and five were referred to resubmit in February. He reported that following a second round of presentations, 10 groups were reinstated, and six were referred to resubmit in March. He added that the results of the third round of presentations would be announced by April 2, 2018. AVP DeSantis explained that any group not approved for reinstatement following the third round would lose official recognition. AVP DeSantis noted that reinstatement allows the chapters to go back to their regular activities and social events without alcohol.

In response to Committee Vice Chair Natasha Lowell's inquiry, AVP DeSantis stated that any chapter that is not reinstated by the fall would not be recognized by FIU, adding that these chapters can make an appeal to fraternity and sorority life.

Committee Vice Chair Lowell inquired as to how many chapters would be reinstated and if the chapters are reviewed each year. In response, AVP DeSantis mentioned that there are eight chapters left to be reinstated. He added that each chapter would be reviewed every fall semester.

Provost and Executive Vice President Kenneth G. Furton provided a brief overview on FIU's fully online services. He reported that by 2025, up to fifty percent of FIU's enrollment is projected to have a fully online mode of delivery.

2. Approval of Minutes

Committee Chair Alvarez asked that the Committee approve the Minutes of the meeting held on December 8, 2017. A motion was made and passed to approve the Minutes of the Academic Policy and Student Affairs Committee Meeting held on Friday, December 8, 2017.

3. Action Items

AP1. Honorary Degree Nomination

Provost Furton provided a detailed summary on the University's honorary degree nomination process. Provost Furton stated that nominations for honorary degrees can be made by faculty, students, staff, or members of the Faculty Senate Honorary Degrees and Awards Committee, adding that the Committee is comprised of one elected representative from each college and school. Provost Furton added that the Faculty Senate Honorary Degree and Awards Committee reviews and votes on each Honorary Degree nomination and that a nominee must receive a majority affirmative vote by the committee in order to move forward. He stated that FIU is among five universities within the State University System that require four levels of approval before granting the honorary degree.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend that the Florida International University Board of Trustees endorse Ms. Georgia Tasker as a recipient of a doctoral degree *honoris causa* from Florida International University.

AP2. New Program Proposal: Bachelor of Arts in Biological Sciences

Vice President for Academic Affairs Elizabeth M. Bejar presented the Bachelor of Arts in Biological Sciences new program proposal for Committee review. She indicated that the program would provide a degree for those students interested in biology-related careers that substitute the rigorous math and physics requirements of the Biology B.S. with courses in areas of specialization. VP Bejar added that students may also design a more individualized area of study, with the approval of an advisor.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend that the Board of Trustees approve the Bachelor of Arts in Biological Sciences (CIP 26.0101) new program proposal.

AP3. New Program Proposal: Bachelor of Arts in Sustainability and the Environment

VP Bejar presented the Bachelor of Arts in Sustainability and the Environment new program proposal for Committee review. She explained that the proposed program is currently being offered by the Department of Earth and Environment under an Environmental Studies CIP Code and that the request is to establish the degree in the unique CIP Code of Sustainability Studies. VP Bejar stated that the Florida Board of Governors requires Board of Trustees approval in order to change the CIP Code.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend Board of Trustees approval of the Bachelor of Arts in Sustainability and the Environment (CIP 03.0103) new program proposal.

AP4. New Program Proposal: Bachelor of Business Administration in Logistics and Supply Chain Management

VP Bejar presented the Bachelor of Business Administration in Logistics and Supply Chain Management new program proposal for Committee review. She noted that the proposed degree would establish the major as a separate degree that carries a STEM designation. VP Bejar added that the degree will have a unique focus on a variety of hard and soft skills and that 85 students will transfer to this new STEM degree, which will continue to increase FIU's strategic degree production.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend Board of Trustees approval of the Bachelor of Business Administration in Logistics and Supply Chain Management (CIP 52.0203) new program proposal.

AP5. New Program Proposal: Bachelor of Science in Crime Science

VP Bejar presented the Bachelor of Science in Crime Science (BSCS) new program proposal for Committee review. She noted that the proposed STEM degree would be the first of its kind within the State University System and the nation. She added that the proposed degree would be available fully online, as well as face-to-face, and that the BSCS is intended for students with an interest in crime control and who wish to pursue employment in criminal intelligence and/or as crime analysts, police officers, detectives, criminal investigators, special agents, and private investigators. She noted that as a STEM degree, more advanced science and math prerequisites would be required in contrast to the current BS in Criminal Justice.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend Board of Trustees approval of the Bachelor of Science in Crime Science (CIP 43.0111) new program proposal.

AP6. Facility Security Clearance; Update to Exclusion of Certain Directors and Officers

Provost Furton presented an updated Facility Security Clearance Resolution for Committee review, noting that the Board of Trustees' Governance Committee adopted the Facility Security Clearance Resolution at its meeting on September 7, 2017. He added that an update to the Facility Security

Clearance Resolution was necessary in order to reflect the current composition of the FIU Board of Trustees.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend that the Board of Trustees adopt a Resolution that updates the exclusion list of the named members of the FIU Board of Trustees from the requirements for a personnel security clearance.

AP7. Public Safety and Emergency Management Facilities Expansion

Senior Vice President and CFO Kenneth A. Jessell presented the proposed Public Safety and Emergency Management Facilities Expansion for Committee review, noting that that the project would provide additional physical space for Public Safety and Emergency Managements operations. He mentioned that currently, these operations are housed in parking garage five and that the proposal is intended to expand by 9,000 square feet. He added that the project will include a larger emergency operations center, additional offices, conference space, meeting space, and emergency management space. He stated that the inadequacy of the current space became very evident during Hurricane Irma where it was challenging to efficiently deal with all of the issues impacting FIU students, faculty and staff, while also addressing the sheltering and safety needs of the general population and special needs evacuees from Monroe County and personnel from the Miami-Dade County Health Department, United States Public Health Services, and first responders from many counties and municipalities.

Committee Chair Alvarez concurred, noting the importance of the proposed expansion and commended the University's preparedness efforts in.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend Board of Trustees approval of the expansion of space within Parking Garage 5 "Market Station" (PG-5) to provide additional hardened space for Public Safety and Emergency Management Operations including offices, emergency operations center, planning conference breakout/ meeting rooms, locker room and showers, storage, and sleeping space.

4. New Business (If Any)

No new business was raised.

5. Concluding Remarks and Adjournment

With no other business, Committee Cesar L. Alvarez adjourned the meeting of the Florida International University Board of Trustees Academic Policy and Student Affairs Committee meeting on Tuesday, February 27, 2018 at 9:50 a.m.

There were no Trustee Requests.

KS 3.7.18

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Academic Policy and Student Affairs Committee
June 6, 2018

Subject: Tenure Nominations

Proposed Committee Action:

Recommend to The Florida International University Board of Trustees approval of the Tenure Nominations as specified in the Board materials.

Background Information:

Pursuant to the Florida Board of Governors Regulation 1.001(5)(a), each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including but not limited to tenure.

The University President is recommending the granting of Tenure for twenty-eight (28) nominees as specified in the Board materials.

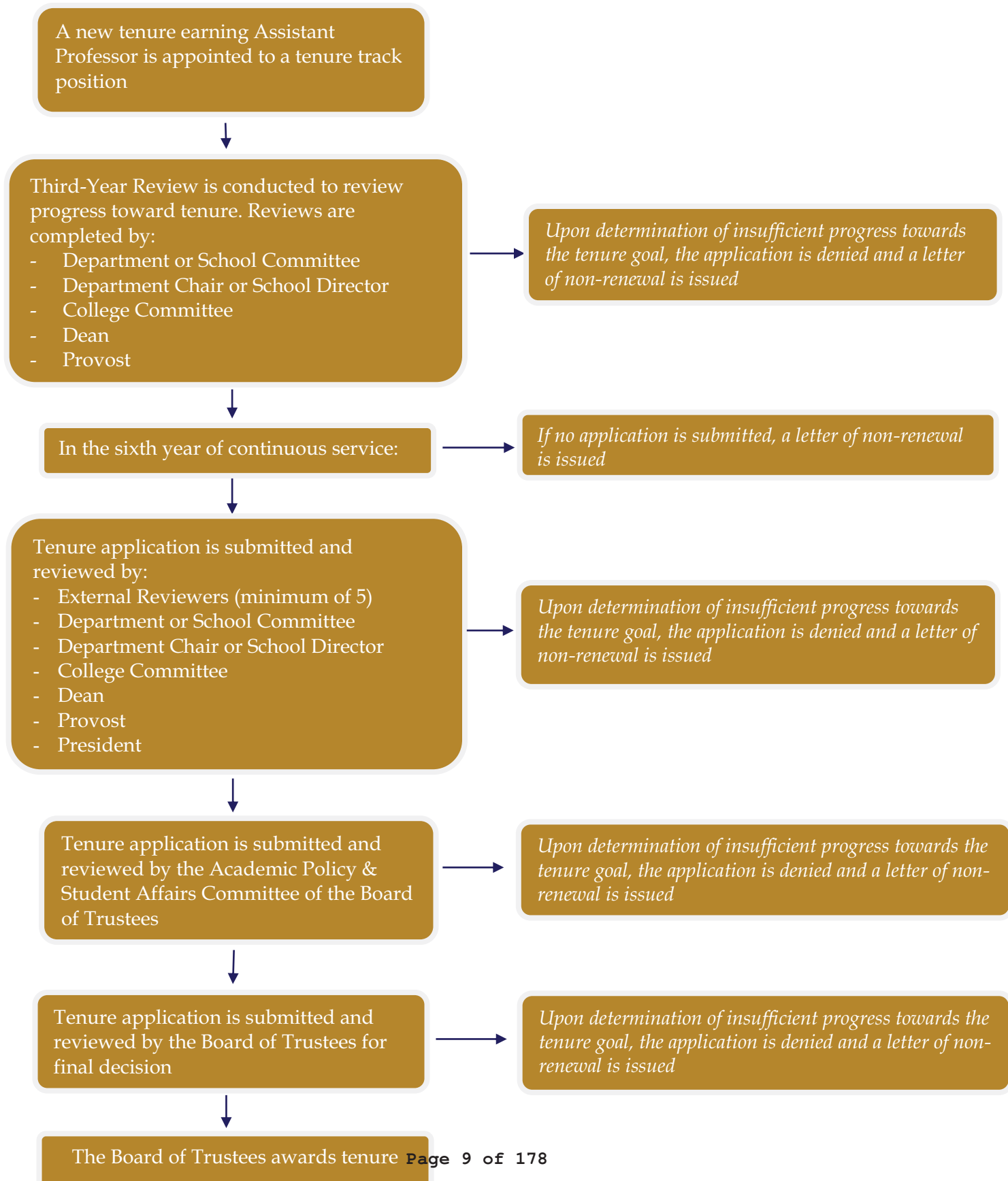
Supporting Documentation: Tenure Nominations

Attachment 1- Tenure Flowchart
Attachment 2- Tenure Nominations
Attachment 3- Tenure Nominees' Biographies

Facilitator/Presenter: Kenneth G. Furton

This page intentionally left blank

Tenure Review Process



This page intentionally left blank

2017-2018 Tenure Candidates		
Name	Department	Proposed Rank
College of Communication, Architecture + the Arts		
Benjamin Zellmer Bellas	Art + Art History	Associate Professor
Rebecca Covey	Theatre	Associate Professor
Yu Liu	Communication	Associate Professor
Larry Ousley Jr	Music	Associate Professor
Jacob Sudol	Music	Associate Professor
Lidu Yi	Art + Art History	Associate Professor
College of Arts, Sciences and Education		
Stefany Coxé	Psychology	Associate Professor
Isaac Burt	Leadership and Professional Studies	Associate Professor
Barbara King	Teaching and Learning	Associate Professor
John Kominoski	Biological Sciences	Associate Professor
Haiying Long	Leadership and Professional Studies	Associate Professor
Eugene J Marshall Jr	Philosophy	Associate Professor
Sarah Mathews	Teaching and Learning	Associate Professor
Yuanchang Sun	Mathematics and Statistics	Associate Professor
Julie M Wade	English	Associate Professor
Yuying Zhang	Biological Sciences	Associate Professor
College of Engineering and Computing		
Benjamin Boesl	Mechanical and Materials Engineering	Associate Professor
Kingsley Lau	Civil and Environmental Engineering	Associate Professor
Jorge Javier Riera Diaz	Biomedical Engineering	Tenure only
Ioannis Zisis	Civil and Environmental Engineering	Associate Professor
College of Business		
Arun Kumaraswamy	Management and International Business	Tenure only
Jonathan Milian	School of Accounting	Associate Professor
Maria Vulcheva	School of Accounting	Associate Professor
College of Medicine		
Margaret Sibley	Psychiatry and Behavior Health	Tenure only
Steven J. Green School of International and Public Affairs		
Timothy Goddard	Department of Criminology and Criminal Justice	Associate Professor
Kevin Grove	Global and Sociocultural Studies	Associate Professor
Todd Makse	Politics and International Relations	Associate Professor
College of Law		
Julia Yaa Janewa Osei Tutu	Law	Tenure only

This page intentionally left blank

Benjamin Zellmer Bellas
Department of Art & Art History
College of Communication, Architecture + the Arts

Dr. Bellas received his Bachelor's degree in Studio Arts from the University of Pittsburgh in 1998, an MFA in sculpture from the School of the Art Institute of Chicago in 2005, and an MFA in poetry from Bennington College in 2017. Prior to FIU, Zellmer Bellas has held the positions of Assistant Professor at Washington College in Chestertown, MD and Instructor at The School of the Art Institute of Chicago.

Professor Bellas straddles sentiment and intellect through his multimedia practice, casting everyday objects as focal points of introspection. His work often acts as an estuary between contemporary visual art and literature, between text and imagery. Through the subtle combination of found objects, interventions, creative writing and quotidian gestures, Zellmer Bellas attempts to understand the experience of understanding; cognition itself. Primary to his concerns are the ways in which image and text may conspire to alter one's vision or understanding. Dr. Bellas has presented public lectures on his work at venues such as the School of the Art Institute of Chicago, the University of Oregon, the University of South Florida, and the Smithsonian American Art Museum's Luce Foundation Center. His recent feature exhibitions include *The letter that you're writing doesn't mean you're not dead*, CUAC, Salt Lake City, UT (2015); *Until the brilliance is extinguished*, Arlington Arts Center, Arlington, VA (2015); and *Soft Movements in the Same Direction*, The New Gallery, Calgary, Canada (2014). Zellmer Bellas has been included in group exhibitions and screenings at venues such as Contemporary Istanbul; Track 16, Los Angeles; Museum of Contemporary Art, Chicago; la Space, Hong Kong; Carnegie Museum of Art, Pittsburgh; Hyde Park Art Center, Chicago; and Academy of Fine Arts, Helsinki. In 2012, he won the Franklin Furnace Fund for his work, and later received a grant from the Maryland State Arts Council in 2014. Zellmer Bellas has been featured in *The Washington Post*, WAMU NPR, and *Sculpture Magazine*, while his creative writing has been published in journals such as *The Pinch*, *Cadillac Cicatrix* and *Drain Magazine*.

Benjamin Boesl
Department of Mechanical and Materials Engineering
College of Engineering and Computing

Professor Boesl received his PhD in Aerospace Engineering from the University of Florida in 2009. He joined Florida International University as an Assistant Professor of Mechanical and Materials Engineering in 2012 after serving as a Post-doctoral Fellow at the US Army Research Laboratory's Weapons and Materials Research Directorate at Aberdeen. His research expertise is on *in situ* electron microscopy and engineering mechanics/nanomechanics to study the response of advanced materials and composites. He currently serves as the Director of the Composites Laboratory and Assistant Director of the Advanced Materials Engineering Research Institute (AMERI).

His research focuses on advanced materials response and design and has a significant focus on *in situ* electron microscopy. He has been a PI or Co-PI on over \$3.5M dollars of federally funded research from Army Research Laboratory, Air Force Office of Scientific Research, Air Force Office of Scientific Research, Office of Naval Research, and the Federal aviation Administration. He has published over 30 peer-reviewed journal articles and over 50 conferences presentations and 3 patents. He has received multiple awards for research including from the Defense University Research Instrumentation Program and as an FIU "Top Scholar" in 2016. He is also an active member of multiple professional societies including the Minerals, Metals & Materials Society, Materials Research Society, American Society of Mechanical Engineers, and American Institute of Aeronautics and Astronautics.

Dr. Boesl has supervised 3 post-docs, 5 Ph.D. graduates as major professor and 4 as co-major Professor, 8 MS graduates and several senior-design projects. His students have received several awards. He has served on a number of departmental, college and university committees.

Isaac Burt
Department of Leadership and Professional Studies
College of Arts, Sciences, & Education

Dr. Burt received his Ph.D. from the University of Central Florida in Counselor Education in 2010, and his BA and master degree from the University of Louisville. Prior to joining FIU, he served as an Assistant Professor at Long Island University.

Dr. Burt's research focuses on anger management and multicultural counseling. Dr. Burt has fourteen years' experience in schools, mental health agencies, and community centers, which included counseling individuals, couples and families from the Caribbean, Africa, Latin America, and Bosnia, as well as multicultural populations born in the United States, specifically Black/ African Americans, Latinos, Asians, and LGQBT. In the area of research/scholarship, since coming to FIU, Dr. Burt has eighteen peer-reviewed publications, three non peer-reviewed publications, and one book chapter that is a reprint of one of his journal publications.

He has taught a variety of graduate courses, and his student evaluations are positive. He has served as the primary supervisor for two masters students, and is currently serving on two PhD committees. He has served on numerous departmental committees, and is responsible for co-running a large graduate program. He is a member of the American Counseling Association (ACA), as well as the Association for Counseling and Supervision (ACES), Association for Multicultural Counseling and Development (AMCD), Association of Humanistic Counseling (AHC), Association for Specialists in Group Work (ASGW), and Chi Sigma Iota (CSI).

Rebecca Covey
Department of Theatre
College of Communication, Architecture + the Arts

Rebecca Covey serves as the resident Vocal Director at FIU. She is a professional Vocal Coach, an Equity Actor and a Designated Linklater Voice teacher. Her educational background and her career reflect her interest in the forces that shape expression, such as culture, gender and neurology. She earned a BA in French and a BFA in Acting from the University of California at Santa Barbara and her MFA in Acting from the Professional Theatre Training Program (PTTP) at the University of Wisconsin, Milwaukee. Subsequently, she pursued a 4-year postgraduate study in the Linklater Voice Technique which culminated in her designation as a Linklater Voice teacher.

Ms. Covey's pedagogical research focuses on helping neurodiverse artists reach their full potential. Her grant funded video *Navigating the Performance Classroom*, addresses situations that can challenge all theatre students. She is a resource for theatre educators seeking to help students with learning differences thrive. Additional interests include heightened language and the intersection of culture and voice. She has presented at international conferences, and is published in the *Methods Journal*. Through her work she seeks ways to encourage students to allow more of their identity - whether cultural or neurological - into their work as theatre artists.

Ms. Covey taught Voice at Depaul University, Columbia College, and Northern Illinois University. As a vocal coach she has worked most recently for Equity productions at Zoetic Stage and Gablestage in Miami, and at Mile Square Theatre in New Jersey. Her show "The Heart of Winter" debuted at Fairmount Theatre in California and she created the role of Niloofar in Michael Yawney's play *Exile, Jesus, Starbucks*. She is active in the Voice and Speech Trainers Association, the Association of Theatre in Higher Education, and the Kennedy Center American College Theatre Festival and is the Vice Chairperson of the Voice & Speech Committee for the Southeastern Theatre Conference and a proud member of Actors' Equity.

Stefany Coxe
Department of Psychology
College of Arts, Sciences, & Education

Dr. Coxe joined FIU in 2012 after receiving her B.S. in Cognitive Psychology in 2001 from University of California, San Diego, and an M.A. in Cognitive Psychology in 2002, also from University of California, San Diego. She received her Ph.D. in Psychology (Quantitative Research Methods) from Arizona State University in 2012.

Dr. Coxe's research focuses on evaluating and applying advanced statistical methods to data in behavioral science fields, such as psychology, psychiatry, social work, and epidemiology. Data collected in the behavioral sciences often displays certain qualities that prove difficult for standard statistical methods. These qualities include non-normally distributed variables, clustering of individual observations within families, schools, or neighborhoods, and frequent missing values. Specialized statistical methods are often required for these types of variables. Dr. Coxe's research involves developing these specialized methods, assessing them for robustness, and applying them to real data in the behavioral sciences. Dr. Coxe has published 38 peer-reviewed articles, 4 peer-reviewed book chapters, and more than 20 presentations at national conferences. Her publications have appeared in many top quantitative and applied venues. Dr. Coxe's substantive research at FIU has been partially funded by grants from the National Institute of Health, National Science Foundation, Institute of Education Science, and the Federal Bureau of Investigations.

Dr. Coxe has served or is serving on 18 dissertation committees and 6 master's thesis committees in the departments of Psychology, Health Promotion and Disease Prevention, Social Work, and Epidemiology. Dr. Coxe has successfully chaired 1 Ph.D. student to degree completion; she is currently co-chairing 1 additional Ph.D. student with an expected completion date in 2018.

Dr. Coxe has served as a reviewer for national grants (Department of Defense) and book publishers (Taylor and Francis, SAGE), as well as manuscripts for top quantitative (Multivariate Behavioral Research) and applied (Journal of Clinical Child and Adolescent Psychology, Journal of Occupational and Organizational Psychology) journals.

Timothy Goddard
Department of Criminology and Criminal Justice
Steven J. Green School of International and Public Affairs

Professor Goddard holds a Bachelor of Arts degree in Philosophy from the University of California at Berkeley, a Master of Arts degree in Social Ecology and a Ph.D. in Criminology, Law & Society from the University of California, Irvine.

Dr. Goddard's research focuses on trends in crime control, crime prevention and community safety, and on issues of race and class in predicting social danger. In the latter, his work analyzes through a sociological lens the risk factor prevention paradigm, risk assessment instruments, and the programs they initiate. In the former, he examines US social and penal policies as they relate to socially precarious 'high risk' young people and their communities – and offers avenues for addressing youth crime in ways that alleviate injustice. His main current project, a collaboration with Dr. Randolph Myers at Old Dominion University, details the work of social justice organizations that engage young people in social movement organizing and socially conscious service as crime prevention, often through partnerships with the state. Together, they have published articles in established journals with an international readership, including the *British Journal of Criminology*, *Theoretical Criminology*, *Punishment & Society*, *Social Justice*, and the *International Journal for Crime, Justice and Social Democracy*. In addition to publishing with graduate students, he has published two solo-authored articles in the journals *Theoretical Criminology* and *Youth Justice*, respectively, and is the first author on a book published by Routledge in 2017.

Since joining the faculty at FIU, he has held the responsibility of teaching the department's undergraduate capstone course and he has the sole responsibility for teaching the graduate capstone course. Taught online and in hybrid modes, these courses are writing-intensive and Dr. Goddard obtained two separate grants to help improve his college writing pedagogy. He has also served on multiple student dissertation committees and served his department and university on several committees – which includes serving for four consecutive years as a member of a Faculty Senate subcommittee.

Kevin Grove
Department of Global and Sociocultural Studies
Steven J. Green School of International and Public Affairs

Professor Grove obtained his BA in 2003 from the University of Cincinnati and then earned his MA in Geography on the politics of local economic development in suburban Columbus, Ohio, from Ohio State University. In 2011, he received his PhD in Geography for research on the biopolitics of disaster management in Jamaica. Prior to joining FIU in 2015, he served as a permanent Lecturer in Human Geography at Aberystwyth University (Wales) and held a post-doctoral Fellowship in the Department of Geography and Dickey Center for International Understanding at Dartmouth College. In 2016, he was also the inaugural International Visiting Fellow in the Center for Urban Research at Royal Melbourne Institute of Technology in Melbourne, Australia.

Dr. Grove's research works across political geography, political ecology, cultural geography, and security studies to explore the biopolitics of emergency management and disaster resilience. His work blends Foucauldian theories of biopolitics with Deleuzian assemblage theory to study how life is governed through, and resists, new forms of risk, insecurity and uncertainty. He has published seventeen peer-reviewed journal articles and book chapters and six editor-reviewed chapters and review essays, including articles in leading geography journals such as the *Annals of the Association of American Geographers*, *Environment and Planning D: Society and Space*, *Geoforum*, *Antipode*, and the leading Foucauldian security studies journal *Security Dialogue*. Additionally, a book manuscript, entitled *Resilience*, is under contract with Routledge in their Key Ideas in Geography series and is currently under peer review. On the basis of this work, Grove is developing new research projects on the geographically-differentiated technopolitics of urban resilience, and resilient infrastructure design in Miami Beach. Grove is also Co-PI (along with four FIU colleagues) on the upcoming renewal application for the NSF-funded Florida Coastal Everglades Long-Term Ecological Research program (FCE-LTER IV).

At FIU, he teaches two undergraduate courses and a graduate seminar. He co-chairs one dissertation committee, sits on six others, and was an external committee member for a dissertation at Clark University.

In addition to research and teaching, Grove also serves as Associate Editor of *Political Geography*, the flagship journal of the sub-discipline, and previously served as political geography section editor of *Geography Compass*, and editorial assistant at *Resilience: International Policies, Practices, Discourses*. He serves as a Board Member of the Association of American Geographers' Political Geography Specialty Group.

Barbara King
Department of Teaching and Learning
College of Arts, Sciences, & Education

Dr. King earned her doctoral degree in Mathematics Education from the University of Texas at Austin in 2012. Prior to earning her degree, she taught middle and high school mathematics for ten years. Since joining the faculty at FIU, Dr. King has published nine peer-reviewed articles and currently has four peer-reviewed articles under review. She has published in top Educational Research Journals, such as the American Educational Research Journal and AERA Open, and in a top Mathematics Education Practitioner Journal, Teaching Children Mathematics. Her research interests are grounded in issues of equity and inclusion in the STEM classroom. On a macro-level, she uses national data to investigate patterns of participation in college STEM majors. On a micro-level, she examines instructional methods for the mathematics classroom that can help all students learn.

Her teaching efforts were recognized by her colleagues when she was presented with the CASE Award for Teaching in 2016. With the creation of a new mathematics education certificate program in 2012, Dr. King has developed the curriculum for four of the five courses in the program and helped recruit many of the certificate students to enter the master's degree program in mathematics education. She has also redesigned two undergraduate mathematics education courses.

In addition to her scholarship and teaching, Dr. King actively participates in service to FIU and the community. She served as chairperson for the Undergraduate Policies Committee and serving on the Faculty Senate Gordon Rules Oversight and Writing across the Curriculum Committee. She also holds affiliated faculty status with the Center for Women's and Gender Studies and the STEM Transformation Institute. She has supported the work of each by serving on the FIUteach Steering Committee and the Center's Scholarship Review Committee. In the spring of 2016, Dr. King served as a faculty fellow for the Center for the Advancement of Teaching at FIU. She also helped create and lead a Professional Learning Community for Miami-Dade teachers who use the Algebra Project in their classrooms.

John Kominoski
Department of Biological Sciences
College of Arts, Sciences, & Education

John Kominoski is an ecosystem ecologist whose research integrates spatial and temporal scales of biogeochemical cycling and organic matter processing. He received a B.A. in Biology from Augustana College in 1999, a M.Sc. in Biology from Loyola University Chicago in 2003, and a Ph.D. in Ecology from the University of Georgia in 2008. His post-doctoral work included a position at the University of British Columbia (2008-2010), where he tested terrestrial-aquatic linkages in temperate rainforest streams, and another position at the University of Georgia (2010-2012) where he led a 3-year intensive study in 5 forest streams enriched with different concentrations of elevated nutrients. He joined FIU in 2012 and began working with the Southeast Environmental Research Center (SERC) and the Florida Coastal Everglades Long Term Ecological Research Program (FCE-LTER). He began teaching and setting up his lab at FIU in 2013, and he became Co-PI of the FCE-LTER in 2015.

Dr. Kominoski research focus is on the interface (ecotone) between ecosystems where community transitions and exchanges of materials occur. He uses theory to test fundamental questions in ecology, enabling him to study ecosystems ranging from the mountains to the sea. Dr. Kominoski's research has focused on the spatial and temporal dynamics of plant communities, especially in response to disturbance, several aspects of global change, and/or management activities. Recently, the interdisciplinary nature of his research has expanded to include urban ecosystems, whose study requires the integration of social and natural sciences. His work has been supported by many state and federal agencies and several NGOs. Since coming to FIU, he has been an investigator on contracts and awards totaling \$1,802,472. He has published 37 journal articles in high-impact journals, 1 book chapter, 1 book review, and 1 conference proceeding for a total of 40 peer-reviewed publications during his career. His papers have more than 1300 citations.

Dr. Kominoski's Ecosystem Ecology Laboratory has become a community of scholars, with 2 excellent field technicians, 4 graduate students, 1 postdoctoral research associate, and many undergraduate and high school students developing their academic careers there. He has served in a non-supervisory capacity on 11 graduate committees, 5 completed and 6 in progress. He has also served as an informal committee member for 2 doctoral students from the University of Georgia (both completed) and an external reviewer for a completed dissertation from the University of Barcelona.

Arun Kumaraswamy
Department of Management and International Business
College of Business

Dr. Kumaraswamy completed his Ph.D. in Management at New York University in 1996 and, prior to joining FIU, he served at Rutgers University, Camden (1996-2004), Singapore Management University (2004-2006), Temple University (2006-2014) and West Chester University of Pennsylvania (2014-2016).

Dr. Kumaraswamy's research spans the fields of Strategy, Entrepreneurship, and International Business. He studies how organizations, individually and in collaboration with others, design technologies and organizational structures/processes to enable (and benefit from) continual innovation. He also explores institutional and strategic transitions in emerging economies such as India. Dr. Kumaraswamy has co-authored 15 articles, of which 8 have appeared in top business journals in the UT-Dallas list. He has co-edited the book *Managing in the Modular Age: Architectures, Networks and Organizations*.

Dr. Kumaraswamy teaches courses in the graduate Master of International Business (MIB), Professional MBA and Ph.D. programs and, during his first year at FIU, secured the Best Course Award from the MIB Program Graduating Class of Spring 2017. He serves on the Editorial Board of the *Journal of International Management*, reviews ad hoc for many reputable journals in Management/Strategy, IB, and MIS, and is a guest co-editor of two special issues, in the *Journal of World Business* (2016) and *Journal of Management Studies* (estimated mid-2018) respectively. He is a member of the college's MBA Rejuvenation Taskforce, and has served in ad hoc departmental committees pertaining to Ph.D. recruitment and curriculum.

Kingsley Lau
Department of Civil and Environmental Engineering
College of Engineering and Computing

Dr. Kingsley Lau obtained his doctoral degree in civil engineering from the University of South Florida. Prior to joining FIU in 2012, he worked as a corrosion research scientist at the Florida Department of Transportation State Materials Office where he led an investigation on the corrosion failure of post-tensioned tendons. Dr. Lau's research interest is in infrastructure materials durability and corrosion engineering. He published over 50 technical documents and gave over 50 technical presentations in the area of corrosion materials durability. His education and research experiences provide expertise and insight to address challenges in the durability of civil infrastructure. He is the principal investigator (PI) for ~\$1 million and PI or co-PI for ~\$2 million of funded research since joining FIU. Dr. Lau heads the Corrosion and Infrastructure Materials Durability Laboratory that he developed in 2014. Dr. Lau was named FIU Top Scholar in 2014 for his research efforts.

Dr. Lau has graduated one doctoral and two master students in the department since joining FIU. He is currently the major advisor for one post-doctoral associate and four doctoral students, one of which has reached candidacy and is expected to graduate in a year. He worked closely with faculty in Materials Engineering Department to graduate two additional thesis-track master students where research was conducted in his lab under his supervision. Dr. Lau developed the Corrosion Control in Civil Engineering graduate course, recognized by the National Association of Corrosion Engineers (NACE), offered every year since 2012. The graduate level course has wide appeal to practicing engineers and interdisciplinary students from Materials and Electrical Engineering.

At the national level, Dr. Lau is an active participant for NACE where he is a member of TEG057 Corrosion Resistant Reinforcement and TEG504 Corrosion Inspection of Prestressed Concrete committees. He is currently vice-chair of the Corrosion of TEG053X Reinforced Concrete Symposia and is slated to become chair in 2018. Dr. Lau is an active member of the M55 Grouting Committee for the Post-Tensioning Institute. Dr. Lau has been invited to participate in a corrosion workshop for the Federal Highway Administration and invited to present a broadcasted seminar for the Transportation Research Board on corrosion.

Yu Liu
Department of Communication
College of Communication, Architecture + the Arts

Professor Liu received her Ph.D. in Communication from the University of Miami in 2012. She then joined FIU as an Assistant Professor in 2012 in the Department of Communication.

Professor Liu's research agenda centers on understanding how media users and consumers interact and behave given the ever-changing cultural, technological, and communication environment. Specifically, Liu's scholarship focuses on computer-mediated communication, particularly the uses and effects of social media technologies and international communication, particularly the effect of culture on consumer behavior. Liu has published 12 peer-reviewed articles in communication and marketing journals such as the *International Journal of Strategic Communication*, *Journal of Consumer Marketing*, *International Journal of Consumer Studies*, *Computers in Human Behavior*, *Health Communication*, and *Journalism*. Moreover, she has published three book chapters and one refereed conference proceeding. Liu has received research grants from the American Society of News Editors (ASNE) for 2014-2015, 2015-2016, and 2017.

Dr. Liu has taught a wide range of graduate and undergraduate courses. She has taught four different graduate-level courses: *Theories in Mass Communication*, *Applied Research Methods in the Mass Media*, *Global Communication*, and *Contemporary Issues in Mass Communication*, and four undergraduate courses: *Principles of Advertising* (online and on-ground), *Social Media and Globalization*, and *Audience Analysis, Public Opinion and New Media*. Since she joined FIU, she has overseen two students' independent studies, chaired two graduate-level professional projects and Master's theses, and served as a committee member for another two graduate students in the Global Strategic Communication program in the School of Communication and Journalism and one doctoral student from the Department of Psychology at FIU.

In addition, Dr. Liu is an avid reviewer for academic journals such as *Journalism and Mass Communication Quarterly*, *Mass Communication and Society*, *Communication Research Reports*, *Asian Journal of Communication*, and *Acta Sociologica* as well as for nationally and internationally renowned conferences including those of the *Association of Education in Journalism and Mass Communication*, the *National Communication Association*, and the *International Communication Association*.

Haiying Long
Department of Leadership and Professional Studies
College of Arts, Sciences, & Education

Dr. Long received her B. A. and M. A. in English Literature from Sichuan International Studies University, China. After that, she worked as an Instructor at the same university for five years (2002-2007). Then she received her Ph.D. in Inquiry Methodology and Educational Psychology (double-major degree) from Indiana University, Bloomington, in 2012.

During her time at FIU, Dr. Long has conducted research examining methodological issues in quantitative and mixed methods research, human rater factor in creativity assessment, and the relationship between family and individual factors and students' science achievement in STEM education. Since 2012, her research has resulted in a dozen peer-reviewed publications in top-tier journals that have high impact factor and low acceptance rate, including collaborative work with colleagues in and outside FIU. She also presented or was invited to present at local, national, and international conferences. Dr. Long has received recognition for her scholar work as she was nominated for Frank X. Barron Award of American Psychological Association Division 10 (Psychology, Aesthetics, Creativity, and the Arts) in 2013. She has been involved in 10 grant applications and has received external grant funding from FIU STEM Transformation Institute and National Science Foundation. She serves as action editor for *Creativity Research Journal*, serves on editorial boards of two journals on creativity, *Psychology, Aesthetics, Creativity, and the Arts* and *Thinking Skills and Creativity*. She has also reviewed articles for several other journals as well as national and local conferences.

At FIU, Dr. Long teaches graduate courses on educational research, statistics, measurement, instrument construction, and mixed methods research, as well as undergraduate courses on measurement and assessment in the classroom for pre-service teachers. She has also served on 35 dissertation committees. She was recognized for her excellent teaching and mentoring by being nominated for FIU faculty Senate Award for Excellence in Teaching in 2016.

Todd Makse
Department of Politics and International Relations
Steven J. Green School of International and Public Affairs

Professor Makse holds a B.A. in Political Science from Rice University and an M.A. and Ph.D. from The Ohio State University in Political Science. Prior to joining FIU, he served on the faculty at Susquehanna University, Dickinson College, and Radford University. He is a member of the American Political Science Association and Midwest Political Science Association and an active participant in APSA's State Politics and Policy section.

Dr. Makse's areas of expertise within American politics include state politics, elections and voting behavior, legislative politics, and political parties. His work focuses on redistricting, party electoral strategy, policy diffusion, state legislative politics, and revolving door lobbying in Congress. He has also recently completed a co-authored book manuscript on the causes and consequences of political yard sign displays in residential neighborhoods entitled *Politics on Display: Yard Signs and the Politicization of Social Spaces*. Since joining FIU, Professor Makse has published 3 peer-reviewed articles in top journals (12 overall). His publications appear in journals that include *The Journal of Politics*, *Legislative Studies Quarterly*, *Political Behavior*, *American Politics Research*, *State Politics and Policy Quarterly*, and *Political Geography*. He has given nine professional presentations at conferences within the U.S. and abroad (31 overall). He serves the profession as an ad hoc manuscript reviewer and is active in his professional associations including his service as Political Geography section chair of the Midwest Political Science Association and as a member of two sections within the American Political Science Association.

Eugene J. Marshall Jr.
Department of Philosophy
College of Arts, Sciences & Education

Professor Marshall received his Ph.D. from the University of Wisconsin in Madison in Philosophy in 2006, where he worked under Steven Nadler on the philosophy of Spinoza and theories of mind. Prior to joining FIU in 2014, he worked as an Instructor at Dartmouth College for two years, followed by four years at Wellesely College as an Assistant Professor on the tenure-track, where he began to publish articles in prestigious, peer-reviewed philosophy journals. In 2013, he published a book of original research with Oxford University Press on Spinoza. His research focuses on early modern philosophy (17th and 18th centuries) with a focus on Spinoza and Margaret Cavendish.

Since joining FIU, Professor Marshall has published one edited volume and has an anthology coming out later this year. He is currently working on an anthology with a coeditor of primary sources in modern philosophy that he and his co-author believe could transform the field.

Professor Marshall teaches at the undergraduate and graduate levels, including in the Masters of Liberal Studies (MALS) Program. His teaching includes some of the most critical lower-division undergraduate courses required for the university core curriculum. In terms of service, Professor Marshall has served on numerous committees, including Search and Screen, the departmental Undergraduate Curriculum Committee and has participated in several community events.

Sarah Mathews
Department of Teaching and Learning
College of Arts, Sciences, & Education

Dr. Mathews earned her doctoral degree in Curriculum and Instruction/ Curriculum Studies with a Specialization in Social Studies Education from Indiana University. While working on her graduate work, Dr. Mathews also concentrated on multicultural and urban education. These areas are reflected in her experience teaching high school social studies courses in Georgia and Ohio, as well as overseas in Costa Rica and Kenya.

Throughout her career, Dr. Mathews has published 15 articles in peer-reviewed, academic journals, 12 since joining FIU, and six chapters in an edited text. Her research focuses on *participatory pedagogies and practices for teachers in the related areas of Civics and Citizenship Education*. Dr. Mathews has been a Co-Principal Investigator on over \$1,800,000 of federally and state sponsored projects, including grants issued by the U.S. Department of State, through the International Leaders in Education Program, and the Florida Department of Education. These projects have been used to support international teachers' efforts to improve their instructional effectiveness and to increase the impact of U.S. history instruction in South Florida high schools. She continues to teach face-to-face and online classes with FIU's Social Studies Education program, Masters' in Curriculum and Instruction program, in Miami and Kingston, Jamaica, and the Curriculum and Instruction Doctoral Program for Language, Literacy, and Culture. She also serves as the Social Studies Education Program Leader overseeing courses in elementary and secondary education, and advising Social Studies masters- and doctoral-level students. In 2014 she was elected to a three-year term on the Executive Board of the College and University Faculty, an associated group of the National Council for the Social Studies (NCSS). Dr. Mathews is the Chair of the Exemplary Research Award Committee for NCSS's Research Community. She also serves as an advisory board member for two social studies education journals and has acted as a manuscript reviewer for four additional journals.

Jonathan Milian
School of Accounting
College of Business

Professor Milian received his PhD in Accounting from The University of Chicago Booth School of Business in 2011. He is a Certified Public Accountant in the state of Florida and is a member of both the American Accounting Association and the American Finance Association. His research focuses on market participants' reactions to firm disclosures. He is interested in how information can be used to improve investment decisions and examines various types of information in his research including accounting earnings, forecasts of accounting earnings, qualitative statements by analysts, and insider trades.

Since joining FIU, Professor Milian has published 5 peer-reviewed articles, of which 4 are in journals ranked A*/A by the School of Accounting including: *Journal of Accounting Research*, *Accounting Horizons*, *European Accounting Review*, *Journal of Behavioral Finance*, and *Review of Quantitative Finance and Accounting*. Three of his publications are sole-authored papers with one in *Journal of Accounting Research*, one of the top three journals in Accounting. His work has been extensively used by practitioners in implementing trading strategies, and has been cited in the popular press, including the *Wall Street Journal*. He has presented his research at various conferences including the national meetings of the American Accounting Association and the American Finance Association.

Dr. Milian has served on the dissertation committees of several FIU accounting doctoral students. He also regularly serves as a reviewer for academic journals, including the *Journal of Accounting Research* and the *Journal of Accounting, Auditing & Finance*. He has taught financial statement analysis and financial accounting courses for FIU's Master of Accounting and International MBA programs.

Julia Yaa Janewa Osei-Tutu
College of Law

J. Janewa Osei-Tutu holds an LL.M., with distinction, in International and Comparative Law from McGill University. She obtained her B.A. from the University of Toronto, and her J.D. from Queen's University. She joined FIU after several years of practice as Legal Counsel at the Federal Department of Justice in Canada. She was an attorney for the Patent Office, as well as for the Intellectual Property Policy Directorate at Industry Canada. She was Industry Canada's intellectual property attorney in Canadian trade negotiations with the European Union, and she also provided legal advice on Canada's intellectual property submissions to international organizations, such as the World Intellectual Property Organization and the World Trade Organization Council for Trade-Related Intellectual Property Rights. In addition, she advised on complex litigation and legislative reform of Canada's intellectual property laws. Osei-Tutu's experience also includes commercial law practice with leading law firms in Canada and Ghana. Working in the field of international law, Professor Osei-Tutu clerked, as part of a multi-national team, as an Associate Legal Officer for Trial Chamber II at the United Nations International Criminal Tribunal for Rwanda in Tanzania.

At FIU, Professor Osei-Tutu has prepared and taught Contract Law, Fashion & Design Law, International Intellectual Property Law, Intellectual Property & Human Rights seminar, Intellectual Property & Human Development seminar, Patent Law, and Trademarks & Geographical Indications. In addition, she has actively pursued her scholarly agenda, and participated in numerous service activities.

Professor Osei-Tutu's academic work focuses on the development of intellectual property law and in light of the purported goals of domestic and international intellectual property policy. Her articles appear in various legal academic publications, including journals at Vanderbilt, Indiana, Kentucky, Santa Clara, and S.M.U. Osei-Tutu has been invited to present her work at various symposia and conferences, and she is currently working on a manuscript for publication by Cambridge University Press. She is the founding co-Chair of the Junior Intellectual Property Scholars Association (JIPSA), and an active volunteer with Broward county public schools.

Larry Ousley Jr.
School of Music
College of Communication, Architecture, + the Arts

Professor Ousley graduated from the University of Miami (M.M. 2000, D.M.A 2008). His doctoral essay "Solo Techniques for Unaccompanied Pizzicato Jazz Double Bass" has received over 19,000 full-text downloads. Since that time, he has become a familiar figure on the south Florida jazz scene both as a leader and accompanist. Professor Ousley was featured as a guest soloist with the *Orquesta Sinfonica Nacional de Costa Rica* which released a 2013 live recording "*Bossa Nova Sinfonico*," which was nominated for a Latin Grammy. This project has been so successful that encore performances have been performed again in Costa Rica, Miami, and most recently with the National Symphony of Cuba, which was nationally televised in Cuba.

Professor Ousley was named "Best South Florida Jazz Musician of the Year" by Gold Coast Magazine and has released four multi-award winning CDs on the *TIE Records* jazz label. His CD "A Sea of Voices" reached #8 on the US national jazz radio charts and won the "Best of Show" prize at the Global Music Awards. Another of his recordings "Back Home" was named the "South Florida Jazz CD of the Year" by the *Palm Beach Post*. His most recent recording project "The Unorthodox Duo" (a bass & vocal duo recording) earned him an invitation to present at the International Society of Bassists Convention at Ithaca College in New York in June of 2017. He has presented clinics around the world at many prestigious universities and institutions with subjects ranging from jazz bass to improvisation. Highlights include presentations at Harvard University (Boston), the University of Kyoto (Japan), the University of Mainz (Germany), the University of Costa Rica, the Jazz in Situ Festival (Ecuador), the Frost School of Music (Miami), the University of Florida (Gainesville), the Nashville Jazz Workshop (Tennessee), the New World School of the Arts for the Thelonious Monk Institute (Miami), and at the International Society of Bassists Convention at Ithaca University (New York).

Jorge Javier Riera Diaz
Department of Biomedical Engineering
College of Engineering and Computing

Dr. Jorge Riera earned his B.S. in Physics from the University of Havana in 1988. From 1995-1998, he was a Junior Associate of the International Centre for Theoretical Physics in Trieste, Italy, where he completed the credits for a MS degree in Biophysics. He received a Ph.D. in Physics from the University of Havana in 1999. He then served as a postdoctoral fellow in Japan at RIKEN Brain Science Institute and Tohoku University and as an Assistant and then Associate Professor at Tohoku University. There he created the Brain Dynamics Center (BDC), one of the most complete facilities for the study of brain disorders. From 2006-2011, his research was extensively funded by the Japan Society for the Promotion of Science, the Telecommunications Advancement Organization of Japan and the Japan Science and Technology agency. In 2011, he joined FIU, first as a Visiting Professor and later as an Associate Professor. Since his appointment he has directed the Neuronal Mass Dynamics lab. He has also been appointed by the Honors College, the Herbert Wertheim College of Medicine and the STEM Transformation Institute.

Professor Riera Diaz's expertise is in the fields of Diagnostic Imaging and Neurosciences. He utilizes multiple imaging modalities to investigate the neuronal structure and activity of brain neurons, networks and neurovasculature in health and disease. He combines invasive and non-invasive electrophysiology with magnetic resonance imaging and computational modeling. Dr. Riera has been working with the Nicklaus Children Hospital and the Miller School Medicine at UM for the translation of his animal studies into clinical practice to improve surgical outcomes in epilepsy. In his laboratory, two groundbreaking techniques have been developed in collaboration with and commercialized by industrial partners. Dr. Riera has 62 peer-reviewed publications, 22 proceedings, 7 book chapters, 11 monographs, and 3 patents. He has given 70 lectures and presented his work in 106 conferences. Dr. Riera's work at FIU has been funded by the National Science Foundation and the National Institute of Health. He has won several awards including a junior reward at the World Congress of Neuroscience, Kyoto, Japan and a prize for excellence in teaching at the University of Havana.

Dr. Riera has graduated 6 Ph.D. students and 3 M.S. students. He has also contributed to the FIU curriculum by the development of six new courses and several other educational activities. As part of the Honors College faculty and the STEM Transformation Institute, he has played an important role on creating teaching strategies with global learning approaches and exposing undergraduate students from different disciplines to a professional environment. He has mentored several Honors College students in the preparation of research theses/projects (ARCH program) and has organized several Conference of Undergraduate Research symposia at FIU. Dr. Riera is a permanent member and elected speaker of the Scientific Advisory Board for the Human Brain Project, one of the top international projects on brain sciences. He has been a permanent member of the Scientific Organizer Board for the prestigious Brain Connectivity Workshop.

Margaret Sibley
Department of Psychiatry and Behavior Health
Herbert Wertheim College of Medicine

Dr. Sibley joined FIU in 2012 after receiving her Ph.D. in Clinical Psychology from the State University of New York at Buffalo in 2012. Her research focuses on the area of Attention-deficit/hyperactivity disorder (ADHD) symptom expression in adolescents and young adults. Her work has included the development of a manualized parent-teen collaborative therapy designed to improve executive functioning and motivation deficits in adolescents with ADHD and related disorders.

Since joining the FIU faculty, Dr. Sibley's scholarly contributions continue across several domains. Dr. Sibley has published a total of 57 scholarly publications on ADHD (53 articles and 4 book chapters) with 42 of these works published since joining the FIU faculty. She also published a book with Guilford Press that describes the treatment she developed during graduate school (*Treating Attention, Executive Functioning, and Motivational Deficits in Teens*, 2016). She has been the principal investigator on three federal awards (totaling over \$3.5 million) and four foundation awards (totaling over \$200,000). She also has served as Co-I on three federal awards (totaling over \$10 million). Her work has been recognized nationally through a number of awards, including the young scientist award from Children and Adults with Attention Deficit/Hyperactivity Disorder (CHADD) and the Klingenstein Foundation Fellowship in ADHD.

Dr. Sibley is a member of the Motivational Interviewing Network of Trainers, an international training organization for Motivational Interviewing (MI). She regularly trains community mental health providers and Miami-Dade County Public Schools staff on implementation of MI and other therapeutic skills. Dr. Sibley teaches an undergraduate senior seminar on MI through the psychology department, provides undergraduates with a course credit opportunity to intern on her projects, instructs Psychiatry residents at Citrus Health through a monthly seminar, and provides formal clinical supervision to practicum students in a range of graduate programs across FIU colleges and other institutions. With respect to service, she is actively involved in the peer review process, serving on three editorial boards, previously serving as a guest editor for a high impact journal, and regularly reviewing papers for a variety of journals.

Jacob David Sudol
School of Music
College of Communication, Architecture + the Arts

Professor Sudol received his Ph.D. in Music from the University of California, San Diego in 2012. He joined Florida International University as an Assistant Professor of Music Technology and Composition that same year. He writes intimate compositions and uses music technology to explore enigmatic phenomena and the inner nature of how we perceive sound. His music has been performed over one hundred times across the USA as well as in Canada, Taiwan, the United Kingdom, Germany, Netherlands, Singapore, China, Thailand, Japan, and Cambodia. He was awarded a Fulbright grant to teach and research at National Chiao Tung University in Taiwan for the 2015-16 academic year.

Dr. Sudol has been commissioned and performed by many prestigious ensembles and performers such as the Nouvel Ensemble Moderne, Jennifer Choi, Mari Kimura, Kate Stenberg, Little Giant Chinese Chamber Orchestra, Chai Found New Music Workshop, the McGill Contemporary Music Ensemble, and many others. His music and performances have been presented in distinguished venues such as the International Computer Music Conference, the Music at the Anthology Festival, the Burapha International Music and Performing Arts Festival, the Taipei International New Music Festival, the Felix Mendelssohn-Bartholdy Theater in Leipzig, New York Electronic Music Festival, the International Taiwan Workshop of Computer Music and Technology Conference, Studio for Electronic Music in Amsterdam, Taiwan National Recital Hall, Rice University, Stanford University, the Spectrum in New York City, Wesleyan University, the wulf in Los Angeles, Art Basel Miami, the Atlantic Center for the Arts, and the ISCM New Music Miami Festival.

Dr. Sudol has also been invited to give dozens of lectures and be a guest artist across the USA, Taiwan, Thailand, China, and Cambodia. His compositions for instruments and electronics are regularly selected for the most prestigious annual national and international computer music and electronic music conferences. Dr. Sudol is also currently finishing a chapter on his music for the Oxford Handbook on Spectral Music. As a recording engineer and producer he has worked on albums by artists such as Chinary Ung, Roger Reynold, and the Amernet String Quartet that have been or will be released by Mode, Bridge, and Centaur Records.

Yuanchang Sun
Department of Mathematics and Statistical Sciences
College of Arts, Sciences, & Education

Dr. Sun earned his doctorate in applied mathematics from Michigan State University in 2009. Prior to joining FIU in 2012, he served as a Visiting Assistant Professor at the University of California, Irvine from 2009 to 2012. Dr. Sun's research interests are within applied and computational mathematics, specifically in the following two fields. Firstly, he works on mathematical modeling and methods in signal separations problems arising from the detection and identification of unknown chemicals or biological agents from their spectral mixtures. The second is on the electromagnetic wave propagation in nano-optics, in particular the optical responses of nanostructures. He works on modeling, analysis, and computational aspects of this problem. Over the past years, Dr. Sun has published seventeen research articles in peer-reviewed journals and conference proceedings. He has been invited to present his work in a number of conferences, workshops, and seminars, many supported by travel awards. Dr. Sun has received several honors and scholarships over the years. In 2016, he was awarded the Collaboration Grants for Mathematician (2016-2021) from Simons Foundations.

Dr. Sun has taught a large variety of courses at FIU, including Precalculus Algebra, Calculus, Numerical Analysis, Differential Equations, Mathematical Modeling, Computer Lab for Math Modeling. Professionally, Dr. Sun has been invited to serve as peer reviewers for a number of academic journals such as Journal of Computational Physics, Institute of Electrical and Electronics Engineers (IEEE) Transactions on Signal Processing, and Journal of Inverse and Ill-posed Problems, etc. He was also a co-organizer of a special session in the eleventh AIMS conference in 2016.

Maria Vulcheva
School of Accounting
College of Business

Dr. Vulcheva joined FIU in 2011 after graduating with a Ph.D. in Accounting from Emory University in Atlanta, Georgia. Maria's research interests are in the sphere of International Accounting. At present, she has three publications in Management Science, Accounting Horizons, and the Journal of Accounting and Public Policy. Dr. Vulcheva also has two papers invited for a second and third-round review in Contemporary Accounting Research and the Review of Accounting Studies, respectively. All of Dr. Vulcheva's papers have an international focus and examine the relationship among accounting regulation, country institutions, and firm incentives.

Dr. Vulcheva's teaching interests are in the fields of Financial Accounting and International Accounting. At FIU she has taught a variety of courses including Intermediate Accounting I in the Bachelor of Accounting program; Value Added Accounting Practices in Strategic Business Decisions and Global Accounting; Auditing and Financial Strategy in the MACC; and Accounting for Managers in the online Corporate MBA and International MBA programs.

Dr. Vulcheva's service to the School of Accounting includes sitting on the thesis committees of two Ph.D. students in the period 2015-2016. At the college level, she has served on the Masters of International Business (MIB) task force and the MBA Rejuvenation Taskforce. Both committees aim to increase the competitiveness of the master's programs at FIU in an environment of decreasing enrollment and increasing competition. As part of her external service, Dr. Vulcheva has been a member of the Research Committee for the International Accounting Section Midyear Meetings in 2013, 2015, and 2016. She has also served as a referee for a number of conferences, and more recently for the Journal of Accounting, Auditing, and Finance.

Julie Marie Wade
Department of English
College of Arts, Sciences, & Education

Dr. Wade completed her Master of Arts in English at Western Washington University in 2003, a Master of Fine Arts in Poetry at the University of Pittsburgh in 2006, and a PhD in Interdisciplinary Humanities at the University of Louisville in 2012.

Dr. Wade is the author of *Wishbone: A Memoir in Fractures* (Bywater Books, 2014; Colgate University Press, 2010), winner of the Colgate University Press Nonfiction Book Award and the Lambda Literary Award in Lesbian Memoir; *Without: Poems* (Finishing Line Press, 2010), selected for the New Women's Voices Chapbook Series; *Small Fires: Essays* (Sarabande Books, 2011), selected for the Linda Bruckheimer Series in Kentucky Literature; *Postage Due: Poems & Prose Poems* (White Pine Press, 2013), winner of the Marie Alexander Poetry Series; *Tremolo: An Essay* (Bloom Books, 2013), selected by Bernard Cooper as the winner of the Bloom Nonfiction Chapbook Prize; *When I Was Straight: Poems* (A Midsummer Night's Press, 2014), selected for the American Library Association's Over the Rainbow List; *Catechism: A Love Story* (Noctuary Press, 2016); and *SIX: Poems*, selected by C.D. Wright as the winner of the AROHO/To the Lighthouse Prize in Poetry. Her forthcoming collection, *The Unrhymables: Collaborations in Prose*, was co-written with Denise Duhamel and will be published by Wild Patience Books in early 2018.

She has received the Chicago Literary Award in Poetry, the *Gulf Coast* Nonfiction Prize, the Oscar Wilde Poetry Prize, the *Literal Latte* Nonfiction Award, two Dorothy Sargent Rosenberg Poetry Prizes, an Al Smith Individual Artist Fellowship from the Kentucky Arts Council, the *American Literary Review* Nonfiction Prize, the *Arts & Letters* Nonfiction Prize, the Thomas J. Hruska Nonfiction Prize, a grant from the Barbara Deming Memorial Fund for feminist literature, and eighteen Pushcart Prize nominations. Dr. Wade teaches in the creative writing program at FIU and reviews regularly for *The Rumpus* and *Lambda Literary Review*.

Lidu Yi
Department of Art & Art History
College of Communication, Architecture + the Arts

Professor Yi earned her Ph.D. from the University of Toronto where she taught for three years. She was the visiting Greta Chambers Chair Professor at the Departments of Art and Art History, and East Asian Studies at McGill University before she joined FIU in 2012. Dr. Yi is an art historian of medieval Chinese Buddhist art and archaeology. Her current research focuses on art and archaeology of Buddhist rock-cut cave-chapels in China. She is also interested in paintings by women, for women and of women in traditional China in the 17th to 19th centuries. Her research scope extends to contemporary art in Asia and she has curated several important exhibitions including *Xu Bing – Writing Between Heaven and Earth* featuring the works of Xu Bing, a world-renowned artist of our time.

Yi's new book, *Yungang – Art, History, Archaeology and Liturgy* was released in October 2017. This book is the first-ever comprehensive investigation of the cave chapels in any western language. Her next book is entitled *Art not to be seen but worshipped*. The book investigates the relations between religious rock-cut cave chapels and secular tomb arts. Her third book, tentatively entitled *Background Stories*, examines peculiar landscape paintings of Xu Bing (1955-), which use Home Depot discarded materials lit behind milky glass. Each painting had a "background story" because the original paintings, based on which Xu recreated his own landscape arts, were taken to the West during wars, hence the name.

Yi has enriched the curriculum of art history and Asian Studies and she is teaching Arts of China and Japan, Buddhist Art in Asia, and Methodology of Art History this semester. She plans to propose several courses such as Art on the Silk Road, Chinese Cinema, and Art under the Mongols in the near future.

Yuying Zhang
Department of Biological Sciences
College of Arts, Sciences & Education

Dr. Zhang obtained her Bachelor's Degree in Computer Science in 2003 from East China University of Science and Technology. Thereafter, she obtained her Master's Degree in Oceanography in 2005 and her doctorate degree in Oceanography, Statistics and Computer Science in 2010 both from the University of Maine. Then she served as a Research Associate in the School for Marine Science and Technology at the University of Massachusetts, Dartmouth from 2009-2011. In 2011, Dr. Zhang joined FIU and started to work on stock assessments and fisheries management of species in the Gulf of Mexico, the South Atlantic and Caribbean regions.

After joining FIU, Dr. Zhang has had nine projects funded (six as the principle investigator, and three as the major advisor to student grants). The grant money she has attracted exceeds \$1 million. Dr. Zhang has published 18 papers in peer-reviewed journals and six are currently in review or under revision. In addition, she has presented at dozens of international and regional conferences and workshops. Dr. Zhang's Fisheries and Ecosystem Assessment Lab have been continually expanding since its establishment. Currently, it has three Ph.D. students, and six undergraduate volunteers. The lab has also accommodated four visiting scholars from China and Italy. The lab has provided a platform for young scientists to develop innovative projects in multiple disciplines. Dr. Zhang has also served on six graduate advisory committees. Dr. Zhang was selected to become a member of the National Marine Fisheries Service's Advisory Panel for Atlantic Highly Migratory Species Southeast Data, Assessment and Review Workshops in 2014, and a member of the Advisory Panel for U.S. Section to the International Commission for the Conservation of Atlantic Tunas in 2017.

Dr. Zhang has developed four lecture courses, which cover lower-division undergraduate, upper-division undergraduate and graduate levels, as well as a workshop. The courses, Fisheries Science and Fisheries Population Dynamics, were developed in response to the high demand for quantitative fisheries scientists in the US job market due to the mandates of the reauthorized Magnuson-Stevens Act, and have been taught routinely every two to three years.

Ioannis Zisis
Department Civil and Environmental Engineering
College of Engineering and Computing

Dr. Zisis received his Master of Applied Science in 2006 and his doctorate degree in 2011 from Concordia University. Since he joined FIU in 2012, he has been appointed as a Co-Director of the Laboratory for Wind Engineering Research at the Extreme Events Institute which is an FIU Preeminent Program. He has expertise in structural and environmental wind engineering and in his research he is studying the wind effects on the built environment. He has been involved in several experimental research projects and he has gained significant experience in small- to full-scale testing, as well as structural monitoring of instrumented buildings. Moreover, he has combined his expertise in experimental methods, with advanced analytical and numerical approaches that aim at the development and improvement of current design practices and resiliency to wind hazards.

Dr. Zisis's publication record includes 15 peer-reviewed journal publications, 43 peer-reviewed conference publications and 2 chapters in books. He has also delivered 8 invited lectures and 9 conference presentations. During his appointment at FIU, he has secured over \$1.8 M (as PI) and over \$4.1 M (as Co-PI with share of approximately \$860k) in research funding from various federal and state agencies, including National Science Foundation, Department of Energy, National Oceanic and Atmospheric Administration, Florida Department of Transportation, Florida Division of Emergency Management and Florida Office of Insurance Regulation. Dr. Zisis, as a Co-PI and Co-Director of Wall of Wind (WOW), has been in the leadership team that manages the facility and research activity of the \$4.1 M National Science Foundation award which designated FIU's WOW as one of only eight national "Experimental Facilities" (EFs) under the Natural Hazards Engineering Research Infrastructure program.

Dr. Zisis has taught several graduate and undergraduate courses at FIU, such as Dynamics, Engineering Drawing, Topics in Wind Engineering, and Timber Design. He has graduated 1 Ph.D. and 6 M.S. students and he is currently advising 5 Ph.D. and 1 M.S. student. He has also served in 15 Ph.D. Advisory Committees. He has been promoting STEM education and has been inspiring the next generation of Wind Engineers through numerous outreach activities, including the *Wall of Wind School Challenge* and the *Feel the Force* events at Miami Science Museum.

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Academic Policy and Student Affairs Committee
June 6, 2018

Subject: Tenure as a Condition of Employment Nominations

Proposed Committee Action:

Recommend to the Florida International University Board of Trustees the approval of seven (7) candidates for Tenure as a Condition of Employment (TACOE).

Background Information:

Pursuant to the Florida Board of Governors Regulation 1.001(5)(a), each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including but not limited to tenure.

The TACOE nominees hold tenure at their previous institutions and have been selected to receive TACOE based on the caliber of their work.

Supporting Documentation:

Tenure as a Condition of Employment Nominations
Attachment 1 – Tenure as a Condition of Employment
Nominee Overview
Attachment 2- Tenure as a Condition of Employment
Nominee Bios

Facilitator/Presenter:

Kenneth G. Furton

This page intentionally left blank

Florida International University

2017 - 2018 Tenure (as a Condition of Employment) Nominations

Name	College	Department	Proposed Rank
Zoran Bursac	Robert Stempel College of Public Health and Social Work	Biostatistics	Professor
Edgar Fuller	College of Arts, Sciences, & Education	Mathematics and Statistics	Professor
Arjuna Madanayake	College of Engineering and Computing	Electrical and Computer Engineering	Associate Professor
Antony Page	College of Law	Law	Professor
Daniela Radu	College of Engineering and Computing	Mechanical and Materials Engineering	Associate Professor
Jason Richardson	Robert Stempel College of Public Health and Social Work	Environmental Health Sciences	Professor
Fahad Saeed	College of Engineering and Computing	School of Computing and Information Sciences	Associate Professor

This page intentionally left blank

Zoran Bursac
Department of Biostatistics
Robert Stempel College of Public Health and Social Work

Dr. Bursac will be joining FIU's Department of Biostatistics as the Chair of the Department in Fall 2018. He earned his B.S. in Computer Science/Mathematics from Cameron University, his M.P.H. and his doctorate degree in biostatistics from the University of Oklahoma Health Science Center. Dr. Bursac began his academic career as an Assistant Professor at the University of Arkansas for Medical Sciences (UAMS), Fay W. Boozeman College of Public Health, Department of Biostatistics in 2003. This was a dual appointment, with primary in the College of Public Health and secondary in the College of Medicine. Dr. Bursac served in this position for eleven years and received his tenure and promotion to Associate Professor in 2008. In 2014, he joined the University of Tennessee Health Science Center (UTHSC), College of Medicine, Department of Preventive Medicine, in Memphis as Professor in the Division of Statistics. He was awarded tenure at UTHSC in 2015.

Dr. Bursac's research focuses on longitudinal data methods and repeated measures, missing data problems, mixed models, hyperbolic and other non-linear growth models, statistical computing and simulation, graphics, survey methods, categorical data methods, logistic regression topics and variable selection algorithms. His current ongoing projects include randomized trials evaluating post-cessation weight gain interventions, weight loss and managements for pregnant and postpartum women, comparative effectiveness disparity trials for diabetes and weight control among Pacific Islander population in NW Arkansas, and clinical studies of obstetric outcomes.

While at his two former institutions, Dr. Bursac provided statistical expertise to over 40 grants with a total value of over \$75,000,000. Funding for these grants varied and included agencies such as NIH, CDC, PCORI, DOD, foundations such as RWJ, ACS, SG Kamen, and others. His primary role on these grants was as co-investigator charged with duties related to study design, randomization, sampling, and data analysis. Dr. Bursac has authored/coauthored over 100 peer-reviewed publications in public health, preventive and clinical medicine and biostatistics. Among those, he has three first-authored journal papers that include his signature publication: *A Purposeful Selection of Variables in Logistic Regression*. The latter published in *Source Code for Biology and Medicine*.

Edgar Fuller
Department of Mathematics and Statistics
College of Arts, Sciences, & Education

Dr. Fuller will be joining FIU's STEM Transformation Institute as the Associate Director in Fall 2018. Previously, he served as Professor and Chair of Mathematics at West Virginia University since 2008. He joined West Virginia University in 2002 after a postdoctoral appointment at Duke University and was promoted to Professor in 2014. He received his Ph.D. from the University of Georgia in the area of differential geometry and topology in 1999. He currently works on applications of graph theory, topology and geometry to the study of complex networks, especially those arising as social networks. More recently has been applying these same tools to the study of networks of neurons in mammalian sensory networks. In earlier work he used topological methods to develop measures of reliability for autonomous control systems for aircraft, and in 2005 he was the co-recipient of the Tycho Brahe Award from the NASA Office of Safety and Mission Assurance for this research. He currently is the Principal Investigator for a National Science Foundation Award to study the role of anxiety and personality in the performance of students in mathematics courses and has served as PI for two US Department of Education funded Math and Science Partnerships in the state of West Virginia. He has most recently served as an American Association for the Advancement of Science (AAAS) Science and Technology Policy Fellow in the Department of Homeland Security from 2016-2018.

Arjuna Madanayake
Electrical and Computer Engineering
College of Engineering and Computing

Dr. Madanayake will be joining FIU's Department of Electrical and Computer Engineering as an Associate Professor in Fall 2018. He earned his B.S. in Electronic and Telecommunication Engineering from the University of Moratuwa, Sri Lanka, in 2002 (First Class Honors), and MS, PhD degrees, both in Electrical Engineering, from The University of Calgary, Alberta, Canada, in 2004 and 2008, respectively. Prior to joining FIU, he served as an Associate Professor at the Department of Electrical and Computer Engineering at The University of Akron, Ohio and completed a post-doctoral fellowship exploring antenna array algorithms for the Canadian Square Kilometer Array (SKA) radio telescope development effort.

His broad research interests include but are not limited to array signal processing, fast algorithms and digital FPGA/VLSI architectures, multi-dimensional signal processing, analog-RF-digital hybrid computing, approximate computing, digital signal/video processing, cognitive radio, wireless communications, and light-field signal processing. His research has been supported by six grants from the National Science Foundation (NSF), three grants from the Office of Naval Research, and three grants from the Defense Advanced Research Projects Agency (DARPA). This includes prestigious NSF awards on cognitive radio and mm-wave/5G wireless funded by the EARS and SpecEES programs, and lead PI role on a \$1.5M DARPA award from the Defense Science Office (DSO) (known as "DARPA's DARPA" due to extreme high-risk nature) exploring a new paradigm in analog RF-IC computers for solving various types of partial differential equation (PDE) problems encountered in physics.

In 2010 at the University of Akron he formed and led the Advanced Signal Processing Circuits group and advised more than 8 PhD and 4 MS students. Further, Dr. Madanayake has graduated two Ph.Ds and 16 Masters so far.

Antony Page
College of Law

Mr. Page will be joining FIU as the Dean of the College of Law. An expert in corporate law, Mr. Page graduated with Distinction from Stanford Law School and was elected to the Order of the Coif. He also served as articles editor on the Stanford Law and Policy Review. Mr. Page comes to FIU from Indiana University where he served as Vice Dean in the McKinney School of Law since 2012. Prior to arriving in Indiana, he worked in mergers and acquisitions, securities and corporate finance at the law firm of Sullivan & Cromwell in both their London and Los Angeles offices. He also clerked for the Honorable A.L. Alarcon, of the U.S. Court of Appeals for the Ninth Circuit and the Honorable H.L. Hupp of the U.S. District Court, C.D. CA. From 1990 to 1994 he worked for the Canadian Department of Foreign Affairs, serving as Second Secretary & Vice Consul in Thailand, Laos and Burma; Trade Commissioner in the Asia-Pacific South Division; and Assistant Trade Commissioner in the European Union Trade and Economic Relations Division.

His publications include official Canadian government reports and guides such as Foreign Investment in Thailand and An Exporter's Guide to Sri Lanka. He has also published in a variety of journals, including the Boston University Law Review, Georgia Law Review, Illinois Law Review, Michigan Law Review, and Stanford Social Innovation Review, and his work has been cited by U.S. courts including the Supreme Court and four state supreme courts. Professor Page has received the Outstanding New Faculty Member Award from the student body, an Indiana University Trustees' Teaching Award, several leadership awards, and has also been awarded John S. Grimes Fellowships and Dean Fellowships.

Daniela Radu
Mechanical and Materials Engineering
College of Engineering and Computing

Dr. Radu joins the Department of Mechanical and Materials Engineering at FIU as an Associate Professor, and is an Affiliated Professor of Materials Science and Engineering position at University of Delaware. She obtained her Ph.D. in 2004 from Iowa State University, where she developed solid-supported catalysts for biodiesel fabrication and employed mesostructured materials as scaffolds for sensing and biotechnology applications. In 2007, she completed a three-year postdoctoral fellowship at the Scripps Research Institute in La Jolla, California where she focused on cyclic peptide nanotubes applications in biotechnology. Followed by a five-year industrial appointment as a senior research scientist with DuPont Central Research and Development in Wilmington, Delaware. At DuPont, she pioneered the use of earth-abundant materials in solution processed thin-film photovoltaics. Dr. Radu started her academic career at Delaware State University (DSU) in 2013.

Dr. Radu's background covers a broad range of disciplines, and she is combining her expertise in materials science, chemistry, and nanotechnology to synthesize a breadth of functional materials. Her current research focuses on advanced functional nanomaterials, especially 2D nanostructures, with tunable properties, which enable their application in photovoltaics (PV), and optoelectronics. She recently demonstrated the first synthesis of nanostructured sulvanite, a class of materials with tremendous potential in light absorption.

During her tenure at Delaware State University, Dr. Radu has mentored 22 undergraduate students, 5 graduate students and 3 postdocs in research, large majority of them from underrepresented groups in STEM. Her research has been funded by the Department of Defense, the Department of Education, the National Science Foundation, and the United States Department of Agriculture, totaling more than \$5 million as the primary investigator or co-primary investigator. Dr. Radu equipped a Materials Characterization Facility solely from federal funds at DSU. In 2013, she co-founded the Energy and Education group, which further evolved into the Renewable Energy and Education Center, which opened in 2017.

A passionate instructor, Dr. Radu has taught more than 800 students, using a student-centered approach and implementing interactive learning tools and problem-based learning. She is a member of the Materials Research Society, American Chemical Society and Institute of Electrical and Electronics Engineers. She has received the University Research Excellence Award at DSU in 2018. She authored over 30 journal articles, 2 book chapters, more than 30 conference presentations, and has six granted patents.

Jason Richardson
Department of Environmental Health Sciences
Robert Stempel College of Public Health and Social Work

Dr. Richardson will be joining FIU's The Department of Environmental Health Sciences as Professor and as the Associate Director in Fall 2018. He is a world-class expert in neurodegenerative disease with focus on aging research. He has a strong record of extramural research funding with the current support of three large ROI grants: from NIH/NIEHS (National Institute of Environmental Health Sciences), including \$1.9 million five-year grant on "Mechanism of Gene-Environment Interaction in Alzheimer Disease". He also holds \$2.5 million UOI research project/cooperative agreement from NIH/NINDS (National Institute of Neurological Disorders and Stroke) to develop novel class of therapeutics. Dr. Richardson has published his research in high quality journals, which is highly quoted by others in the field.

Dr. Richardson has also significant administrative experience on Departmental and College level at Northeast Ohio Medical University serving as Acting Chair of Pharmaceutical Sciences Department and Acting Associate Dean for Research and Faculty Advancement. Dr. Richardson has also experience with NIH/NIEHS training in Environmental Toxicology grant T32 and Core Center grants P30 and with the College of Public Health and Social Work, he will lead the effort to establish a center to study the impact of environmental pollutants on neurological and mental diseases.

Fahad Saeed
School of Computing and Information Sciences
College of Engineering and Computing

Dr. Saeed will be joining the School of Computing and Information Sciences as an Associate Professor in Fall 2018. He earned his PhD degree from the Department of Electrical and Computer Engineering, University of Illinois at Chicago (UIC), in 2010. He then served as a postdoctoral fellow from 2010-2011 and then research fellow in the National Institutes of Health (NIH) from 2011 to 2014. He has served as a visiting scientist in world-renowned prestigious institutions such as ETH Zurich, Swiss Institute of Bioinformatics (SIB), and NIH. Since 2014, he has served as an Assistant Professor at Western Michigan University and has established a highly competitive research program, which is focused on solving big data problems for computational biology using various high performance architectures and algorithms. In order to facilitate collaborations and teaching he established a Parallel Computing and Data Science Lab as well as Center of HPC and Big Data for which he served as founding co-director. His comprehensive interdisciplinary research and education is executed for K12, undergraduate and graduate students to ensure that U.S. retains its global leadership position in STEM fields. He also serves as visiting scientist at NIH Bethesda, Maryland.

In terms of research and funding, he has been successful in acquiring highly competitive federal grants. He has been awarded the National Science Foundation (NSF) Research Initiation Initiative (CRII) Award bestowed to young and promising scientists in the first two years of their tenure-track position in 2015. Most recently, he was awarded the NSF Faculty Early Career Development (CAREER) Award, which is NSF's most prestigious award in support of early-career faculty. His research has been supported by WMU, NVIDIA, Intel/Altera, National Science Foundation (NSF) and National Institutes of Health (NIH). He has secured over \$1.17 million in external research funds as principal investigator at WMU and about \$1.33 million overall. Since 2008, he has published over 40 peer-reviewed articles in high impact factor journals and highly selective conference proceedings. He has contributed to four edited conference proceedings and edited three special issue journals. He has also served as a peer-reviewer for more than a dozen journals and as a program committee member for more than dozen IEEE/ACM conferences. Dr. Saeed is a Senior Member of the IEEE and has been elected as Senior Member of the ACM. His honors include ThinkSwiss Fellowship (2007, 2008), NIH Postdoctoral Fellowship Award (2010), Fellows Award for Research Excellence (FARE) at NIH (2012), NSF CRII Award (2015), Outstanding New Researcher Award at WMU (2016), WMU Distinguished Research and Creative Scholarship Award (2018) and NSF CAREER Award (2017).

This page intentionally left blank

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Academic Policy and Student Affairs Committee

June 6, 2018

Subject: Approval of the amendment of FIU-105 Prohibited, Harassment and Related Misconduct, Including Sexual and Gender-Based Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking

Proposed Committee Action:

Recommend to the Florida International University Board of Trustees the approval of the amendment of FIU-105 Prohibited, Harassment and Related Misconduct, Including Sexual and Gender-Based Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking and renaming of the regulation to FIU-105 Sexual Misconduct (Title IX).

Background information:

Regulation FIU-105, Prohibited Discrimination, Harassment, and Related Misconduct Including Sexual and Gender-Based Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking is being divided into two regulations for better administration. FIU-105, as revised, will be renamed as Sexual Misconduct (Title IX) and will solely address discrimination based on gender, orientation, gender expression, gender identity, sexual orientation, sexual misconduct, dating or domestic violence, and stalking. FIU-106, Nondiscrimination, Harassment and Retaliation (Title VII), will be the second regulation. The regulation has updated the definition of Responsible Person and revised the investigation procedure in light of the 2017 Dear Colleague Letter from the Department of Education. Additionally, based on comments received, changes were made to strengthen the University's prohibition against any sexual harassment or discrimination.

Florida Board of Governors Regulation 1.001(5)(a), University Board of Trustees Powers and Duties, provides, in relevant part, that each boards of trustees shall provide for the establishment of “the personnel program for all the employees of the university, including ... standards for performance and conduct,... disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment.”

Florida Board of Governors Regulation 1.001(3)(j)(l) provides, in relevant part, that each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedures adopted by the Board of Governors; and each board of trustees shall be responsible for campus safety and emergency preparedness, to include safety and security measures for university personnel, students and campus visitors.

Supporting Documentation: Proposed creation of FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII)

Facilitator/Presenter: Shirlyon J. McWhorter

This page intentionally left blank

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS
NOTICE OF CHANGE TO PROPOSED AMENDMENT TO REGULATION**

REGULATION TITLE: Prohibited Discrimination, Harassment and Related Misconduct Including Sexual and Gender-Based Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking

REGULATION NO.: FIU-105

Based on comments received, changes were made to this Regulation to strengthen the University's prohibition against any sexual harassment or discrimination.

TEXT OF REGULATION: The full text of the Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu>. If you would like a copy of the Regulation, please contact Eli Deville, Departmental Administrator, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Board of Governors regulation 1.001(5)(a).

NAME OF PERSON INITIATING PROPOSED REGULATION: Shirlyon McWhorter, Director of the Equal Opportunity Programs and Diversity/Title IX Coordinator

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Eli Deville, Departmental Administrator, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu. Fax: (305) 348-3272. Phone: 305-348-2103.

DATE OF PUBLICATION: May 29, 2018

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW WITH THE CHANGES HIGHLIGHTED IN YELLOW:

~~FIU-105 REGULATION ON PROHIBITED DISCRIMINATION, HARASSMENT AND RELATED MISCONDUCT INCLUDING SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL VIOLENCE, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING~~

FIU-105 SEXUAL MISCONDUCT (TITLE IX)

Responsible University Officer: Director of the Equal Opportunity Programs and Diversity/Title IX Coordinator

Responsible Office: Equal Opportunity Programs and Diversity (EOPD)

<u>CONTENTS</u>	<u>PAGE</u>
• <u>Chapter (I) Policy Statement</u>	<u>1</u>
I. Scope and Applicability	
II. Definitions	
III. Prohibited Conduct	
<u>Chapter (II) Purpose & Intent</u>	<u>2</u>
<u>Chapter (III) Title IX Coordinators</u>	<u>2</u>
<u>Chapter (IV) Definition of Terms</u>	<u>3</u>
<u>Chapter (V) Jurisdiction</u>	<u>6</u>
• <u>Chapter (VI) Reporting Options-</u>	<u>6</u>
• <u>Chapter (VII) Interim Protective Measures Available Through Thorough the University</u>	<u>10</u>
• <u>Chapter (VIII) Investigation and Resolution of a Report of a Potential Violation of This Regulation FIU 105</u>	
IV. Additional Resources	
<u>and Resolution of an Investigation</u>	<u>11</u>
• <u>Chapter (IX) Retaliation Prohibited</u>	<u>13</u>
V. Education and Prevention Programs	
VI. Annual Review	
VII. Contacts	

I. POLICY STATEMENT

Florida International University (the University) is committed to encouraging and sustaining a learning and living environment that is free from harassment, violence, and prohibited discrimination based on sex, gender, gender expression, gender identity, sexual orientation, Sexual Misconduct, Domestic and Dating Partner Violence and/or Stalking. In that regard and consistent with federal law addressing these areas (e.g., Title IX of the Education Amendments of 1972 and the Violence against Women Act (VAWA), that portion of the Title VII of the Civil Rights Act addressing sexual misconduct), the University has developed this regulation applicable to members of the University Community (i.e., students, faculty, staff, affiliated third parties, and visitors).

Members of the University community have the right to be free from all forms of sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, Domestic Dating Partner Violence, and stalking. All members of the University community are expected to conduct themselves in a manner that does not infringe upon the rights of others and is consistent with this regulation. The University believes in zero tolerance for sexual misconduct. Zero tolerance means that, when an allegation of misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including but not limited to serious sanctions when a Respondent is found to have violated this regulation. This Regulation has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated.

The Regulation is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. This is to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, to speak freely on all matters of university governance, and to speak, write, or act as a public citizen without institutional discipline or restraint.

The University uses the preponderance of the evidence (also known as "more likely than not") as a standard for proof of whether a violation of this Regulation occurred. In the University resolution proceedings, legal terms like "guilt," "innocence" and "burden of proof" are not applicable, but the University never assumes a Respondent is in violation of a university Regulation. Resolution proceedings are conducted to take into account the totality of all evidence available from all relevant sources.

II. PURPOSE & INTENT

The University is committed to establishing and maintaining a safe learning, living, and working environment where healthy, respectful, and consensual conduct represents the campus cultural norm. This Regulation prohibits discrimination and harassment based on sex, gender, gender expression, gender identity, or sexual orientation, Sexual Misconduct, Domestic and Dating Partner Violence, and/or Stalking. It also prohibits Retaliation against an individual for making a report of conduct prohibited under this Regulation or for participating in an investigation of an alleged violation of this Regulation. It also defines prohibited relationships of a sexual or intimate nature between individuals where one individual has power or authority over another. These prohibited forms of conduct undermine the character and purpose of the University and will not be tolerated.

This policy is in compliance 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; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; and other applicable federal and Florida state laws.

III. TITLE IX COORDINATORS

The *Title IX Coordinator* is:

- knowledgeable and trained in University policies and procedures and relevant state and federal laws;
- available to advise any individual, including a Complainant, the Reporting Party, the Respondent, or a third party about the University resources and those found within and outside of the University. Resources include, but are not limited to, health care options, counselling or support, and reporting;
- available to provide assistance to any University employee regarding how to respond appropriately to a report of a possible violation of this Regulation;
- responsible for conducting and/or overseeing investigations of alleged violations of this Regulation;
- responsible for participating in ensuring the effective implementation of this Regulation, including monitoring compliance with all procedural requirements, recordkeeping, and timeframes;
- responsible for overseeing training, prevention, and education efforts and periodic reviews of climate and culture; and
- responsible for maintaining all reports of possible violations of this Regulation and reviews such reports and complaints for systemic patterns that need to be addressed.

The Title IX Coordinator has designated Deputy Title IX Coordinators to assist in fulfilling the Title IX Coordinator duties. These are:

- Marlynn Jones, Assistant Director of Equal Opportunity Programs Diversity
Office number: 305-348-2356 email: marlynn.jones@fiu.edu

~~Dr. Kristen Kawczynski, Director of the Student Conduct Florida International University (FIU or the University) affirms its commitment to ensure that each member of the University community shall be permitted to work or study in an environment free from any form of illegal discrimination based on race, color, religion, age, disability, sex (including sexual misconduct), sexual orientation, gender identity or expression, national origin, marital status, veteran status, and/or any other legally protected status (collectively referred to as Protected Status¹). The University recognizes its obligation to work towards a community in which diversity is valued and opportunity is equalized.~~

~~The University recognizes that discrimination and/or harassment based on a Protected Status undermines the integrity of the academic and work environment. All members of the University community should be able to work and/or learn in an atmosphere free from discrimination and/or harassment; and the University is committed to addressing conduct that violates these standards. The University encourages all community members to take reasonable and prudent actions to prevent or stop Prohibited Conduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who chose to exercise this responsibility will be supported by the University and protected from Retaliation. It is the particular responsibility of those members of the University community who hold positions of authority over others to avoid actions that are, or can be considered, a violation of this Regulation or as unprofessional.~~

~~This Regulation prohibits all forms of Discrimination and Harassment based on Protected Status. It expressly, therefore, prohibits Sexual Violence and Sexual Exploitation, which by definition~~

¹. Any word or phrase that is capitalized is a defined term and is contained in the Section III Definitions.

~~involves conduct of a sexual nature and is prohibited form of Sexual or Gender-Based Harassment. This Regulation further prohibits Dating Violence, Domestic Violence and/or Stalking, which does not need to be based on an individual's Protected Status to be prohibited under this Regulation. Finally, this Regulation prohibits Complicity for knowingly assisting in an act that violates this Regulation and Retaliation against an individual because of his or her good faith participation in the reporting, investigation, or adjudication of violations of this Regulation. University students and employees who violate this Regulation may face discipline up to and including expulsion or termination.~~

~~To foster a climate that encourages prevention and reporting of Discrimination, Harassment, and related misconduct, the University will actively promote prevention efforts, educate the community, respond to all reports promptly, provide Interim Protective Measures to address safety and emotional well-being, and act in a manner that recognizes the inherent dignity of the individuals involved.~~

- ~~•~~ Office number: 305-348-3939 email: kristen.kawczynski@fiu.edu
- ~~•~~ Julie Berg-McGraw, Sr. Associate Athletic Director
Office number: 305-348-2352 email: julie.berg-mc_graw@fiu.edu

Concerns about the University's application of this Regulation may be addressed to the following offices below and/or to the Deputy Title IX Coordinators listed above.

Title IX Coordinator	U.S. Depart. of Education Office for Civil Rights	Equal Opportunity Commission
Shirlyon McWhorter 305-348-2785 Email: shirlyon.mcwhorter@fiu.edu	Office for Civil Rights (800) 421-3481 Email: OCR@ed.gov	Equal Opportunity Commission (800) 669-4000 eeoc.gov/employees/howtofile.cfm

III. DEFINITIONS

Coercion

Conduct, intimidation, and/or express or implied threats of physical, emotional, financial, or any other type of harm that would reasonably place an individual in fear of immediate or future harm and that is employed to force or compel someone to engage in sexual contact or any other type of involuntary conduct, especially conduct which would endanger or be detrimental to the Complainant. Examples of Coercion include:

- Causing the deliberate Incapacitation of another person;
- Conditioning an academic benefit or employment advantage;
- Threatening to harm oneself if the other party does not engage in sexual contact; or
- Threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal or sensitive information if the other party does not engage in the sexual contact or takes actions involuntarily.

Complainant - Any

~~The University is committed to the principles of free inquiry and expression. Vigorous discussion and debate are fundamental to this commitment, and this Regulation is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. Offensiveness of conduct, standing alone, is not sufficient for the conduct to constitute prohibited Harassment. The conduct must be sufficiently severe to interfere with an individual's ability to participate in~~

~~employment or educational program and activities from both a subjective and objective perspective. Prohibited Conduct under this Regulation is not a proper exercise of academic freedom and may not be legally protected expression. On the contrary, Prohibited Conduct compromises the University's integrity as well as its tradition of intellectual freedom.~~

~~I. SCOPE AND APPLICABILITY~~

~~This Regulation applies to the conduct of University students and employees, including faculty and staff. The non-discrimination provisions also apply to contractors and other third parties under circumstances within the University's control. The Regulation provides for the prompt and equitable resolution of reports of Discrimination, Harassment, and related misconduct.~~

~~This Regulation applies to all Prohibited Conduct that occurs on campus. It also applies to Prohibited Conduct that occurs off campus, including online or electronic conduct, if: the conduct occurred in the context of an employment or education program or activity of the University, had continuing adverse effects on campus, or had continuing adverse effects in an off-campus employment or education program or activity. Examples of covered off-campus conduct include athletic competitions, University-sponsored study abroad, research, or internship programs. In determining whether the University has jurisdiction over off-campus conduct that is not part of an educational program or activity of the University, the Title IX Coordinator/Director of the Equal Opportunity Programs/Diversity Office will consider the seriousness of the alleged conduct, the risk of harm involved, whether both parties are members of the campus community, and/or whether the off-campus conduct is part of a series of actions that occurred both on and off campus.~~

~~Regardless of where the conduct occurred and with whom, the University will offer resources and assistance to community members who are subject to Prohibited Conduct. The University will also assist the Reporting Party in identifying and contacting external law enforcement agencies and community resources, as desired.~~

~~II. DEFINITIONS~~

~~A. **Reporting Party** is defined as any individual who may have been the subject of any Prohibited Conduct by an individual or organization covered under the Regulation Sexual Misconduct, Dating or Domestic Partner Violence, and/or Stalking by the Respondent regardless of whether the Reporting Party individual makes a report or seeks action under the Regulation.~~

~~A. **Responding Party** is defined as any individual who has been accused of violating the Regulation.~~

~~B. **Protected Statuses** is defined as certain characteristics possessed by an individual that have been afforded protection by law, such as age, color, creed, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status.~~

~~C. **Age** is defined as the number of years from the date of a person's birth. With respect to employment, individuals who are forty (40) years of age or older are protected from Discrimination and Harassment. There is no age threshold for students or other participants in educational programs or activities.~~

- D. ~~**Color**~~ is defined as an individual's skin pigmentation, complexion, shade, or tone.
- E. ~~**Creed**~~ is defined as a well-formed and thought-out set of beliefs held by more than one individual, which may not necessarily involve belief in a supreme being. The University will accommodate an individual's observances and practices required by their creed unless it is unable to reasonably accommodate an individual's creed required observance or practice without undue hardship.
- F. ~~**Disability**~~ is defined as any person who has a physical or mental impairment that substantially limits one or more major life activities; or has a record of such impairment; or is regarded as having such impairment. A qualified person with a disability must be able to perform the essential functions of the employment or the academic, athletic, or extra-curricular program, with or without reasonable accommodation.
- G. ~~**Gender**~~ is defined as an individual's socially constructed status based on the behavioral, cultural, or psychological traits typically associated with societal attribution of masculinity and femininity, typically related to one's assigned sex at birth.
- H. ~~**Gender Expression**~~ is defined as how someone expresses gender through appearance, behavior, or mannerisms. A person's Gender Expression may or may not be the same as the Gender Identity or Gender.
- I. ~~**Gender Identity**~~ is defined as the Gender with which an individual identifies psychologically regardless of what Gender was assigned at birth.
- J. ~~**Genetic Information**~~ is defined as the information about (i) an individual's genetic tests, (ii) the genetic tests of family members of such individual, and (iii) the manifestation of a disease or disorder in family members of such individual. Genetic Information includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services by such individual or any family member of such individual.
- K. ~~**National Origin**~~ is defined as an individual's actual or perceived country or ethnicity of origin.
- L. ~~**Race**~~ is defined as an individual's actual or perceived racial or ethnic ancestry or physical characteristics associated with a person's race, such as a person's color, hair, facial features, height, and weight.
- M. ~~**Religion**~~ is defined as all aspects of religious observance and practice as well as belief.
- N. ~~**Sex**~~ is defined as an individual's biological status of male or female, including pregnancy. Conduct of a sexual nature is by definition based on Sex as a Protected Status.
- O. ~~**Sexual Orientation**~~ is defined as the inclination or capacity to develop intimate emotional, spiritual, physical, and/or sexual relationships with people of the same Sex or Gender, a different Sex or Gender, or irrespective of Sex or Gender.
- P. ~~**Veteran's Status**~~ is defined as disabled veterans, special disabled veterans, Veterans of the Vietnam era, and other protected Veterans as defined by federal and state law.
- Q. ~~**Prohibited Conduct**~~ is defined as misconduct based on any form of Discrimination and Harassment based on a Protected Status and Domestic Violence, Dating Violence, Stalking, Complicity, and Retaliation.

~~R. **Sexual or Gender-Based Harassment** is defined as those incidents that are sufficiently pervasive, persistent, or severe that a reasonable person would be adversely affected to a degree that interferes with his/her ability to participate in or to realize the intended benefits of a University activity, employment, or resources.~~

~~Sexual or Gender-Based Harassment includes~~

~~(1) unwelcome sexual advances, requests for sexual favors and other verbal, physical, or electronic conduct of a sexual nature that creates a hostile, intimidating, or abusive environment;~~

~~(2) verbal, physical, or electronic conduct based on Sex, Gender, Sexual Orientation, or sex-stereotyping that creates a hostile, intimidating, or abusive environment, even if those acts do not involve conduct of a sexual nature; or~~

~~(3) exhibiting what is perceived as a stereotypical characteristic for one's Sex or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the actual or perceived Sex, Gender, Sexual Orientation, Gender Identity, or Gender Expression of the individuals involved.~~

~~S. **Sexual Assault**² or **Sexual Violence** is defined as forms of Sexual or Gender-Based Harassment that involve having or attempting to have Sexual Contact with another individual without Consent.~~

~~T. **Sexual Exploitation** is defined as a form of Sexual or Gender-Based Harassment that involves one or more of the following behaviors committed for any purpose, including sexual arousal or gratification, financial gain, and/or other personal benefit:~~

~~(1) taking sexual advantage of another person without Consent;~~

~~(2) taking advantage of another's sexuality; or~~

~~(3) extending the bounds of consensual Sexual Contact without the knowledge of the other individual.~~

—

~~Examples of Sexual Exploitation include, but are not limited to:~~

- ~~• threatening to disclose an individual's Sexual Orientation, Gender Identity, or Gender Expression;~~
- ~~• observing another individual's nudity or Sexual Contact, or allowing another to observe the same, without the knowledge and Consent of all parties involved;~~
- ~~• non-consensual streaming of images, photography, video, or audio recording of Sexual Contact or nudity, or distribution of such without the knowledge and/or Consent of all parties involved;~~
- ~~• prostituting another individual;~~
- ~~• knowingly exposing another individual to a sexually transmitted infection, without the individual's knowledge and/or Consent;~~
- ~~• knowingly failing to use contraception without the other party's knowledge and/or Consent; and~~

²The following terms included in this definitional section also have corresponding Florida statutory definitions because the behavior may constitute a crime: sexual assault, sexual exploitation, dating violence, domestic violence, stalking, and aggravated stalking. Some Florida criminal statutes overlap with the definitions contained in the Regulation and some may provide greater protection.

- ~~inducing Incapacitation for the purpose of taking sexual advantage of another person.~~
- U. ~~**Sexual Contact** is defined as the intentional touching or penetration of another person's clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast, by another with any part of the body or any object in a sexual manner. Sexual Contact also includes causing another person to touch their own or another's body in the manner described above.~~
- V. ~~**Consent** is defined as an affirmative act or statement by each person that is informed, freely given and mutually understood.~~
 - ~~It is the responsibility of each person involved in any sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity.~~

Consent - A clear, knowing, and voluntary agreement to engage in specific sexual activity at the time of the activity. Consent can be communicated by words or actions as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. Consent must be ongoing throughout the sexual activity and can be withdrawn at any time. Sexual contact must cease immediately once withdrawal of consent is clearly communicated.

- ~~_____~~ Consent must be ~~ongoing throughout a sexual activity and can be revoked at any time~~active, not passive.
- ~~_____~~ Lack of protest or resistance does not mean consent has been granted, nor does silence mean consent has been granted.
- ~~_____~~ Within each sexual encounter, there may be separate individual sexual acts involved, and consent to one act and/or person(s) by itself does not constitute consent to another act. ~~and/or person(s).~~
 - ~~Lack of protest or resistance does not mean consent, nor does silence mean consent has been granted.~~
- ~~_____~~ The existence of a dating relationship between the persons involved, or the fact of past sexual relations, should never, by itself, be assumed to be an indicator of consent for any current or future sexual encounter. ~~even in the context of a relationship, there must be mutual consent.~~
- ~~_____~~ If ~~Coercion~~coercion or ~~Foreeforce~~Force is used, there is no consent.
- ~~_____~~ If a person is ~~mentally or physically~~ incapacitated so that the person cannot understand the fact, nature or extent of the sexual situation, there is no consent; ~~this includes but is not limited to. This may be affected by~~ conditions due to age, alcohol or drug consumption, ~~unconsciousness, being asleep, physical or developmental disabilities.~~
 - ~~Someone under 16 years of age cannot consent to sexual activity regardless of the age of the other person. Someone who is at least 16 years of age but less than 18 years of age cannot consent to sexual activity if the other person is 24 years of age or older.~~
- ~~_____~~ Whether one has taken advantage of a position of influence over another may~~can~~ be a factor in determining whether there was consent.

- In order to give consent, one must be of legal age.
- The question of what the Respondent should have known as to whether the Complainant was ~~Incapacitated~~ **incapacitated** is objectively based on what a reasonable person, sober and/or exercising good judgment, would have known about the condition of the Complainant.

Dating or Domestic Violence – Any instance of violence or abuse (verbal, physical, or psychological) that occurs between those who are in, or have been in, an intimate relationship with each other.

- **Physical Violence or Abuse:**

i. Occurs when one intentionally or recklessly (1) causes bodily harm to another person; (2) attempts to cause bodily harm to another person; or (3) puts another in fear of imminent bodily harm. No Respondent may knowingly or recklessly touch any other person without that person's consent. Punching, slapping, scratching, or otherwise striking any person, including a Dating or Domestic Partner, with any part of one's body or with any object constitutes physical violence.

ii. Occurs when there is a pattern of engaging in physical violence or abuse as described above.

- **Psychological Abuse:**

i. Occurs when a Respondent intimidates, dominates, terrorizes, humiliates, or isolates any other person, especially a Dating or Domestic Partner.

ii. Occurs when there is a pattern of engaging in psychological abuse as described above.

- **Verbal Abuse:**

i. Occurs when a Respondent uses extreme or excessive language that is in the form of insults, name-calling, or criticism, designed to mock, shame, or humiliate another person, especially a Dating or Domestic Partner. Verbal behavior must be: (1) objectively endangering and (2) sufficiently severe, persistent, or pervasive to constitute verbal abuse. Singular statements and isolated incidents may fall short of this sufficiency standard.

ii. Occurs when there is a pattern of engaging in verbal abuse as described above.

~~W.~~ **Harassment** - is a type of conduct that occurs when verbal, physical, electronic, or other conduct based on an individual's protected status interferes with that individual's (a) educational environment (e.g., admission, academic standing, grades, assignment); (b) work environment (e.g., hiring, advancement, assignment); (c) participation in a University program or activity (e.g., campus housing); and/or (d) receipt of legitimately requested services (e.g., disability or religious accommodations), thereby creating hostile environment harassment or quid pro quo harassment. ~~**Coercion or Force** is defined to include conduct, intimidation, and/or express or implied threats of physical, emotional, or financial harm that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in Sexual Contact.~~

Examples of ~~Coercion or Force~~ include causing the deliberate

- ~~**Incapacitation** of another person;~~

- ~~conditioning an academic benefit or employment advantage on submission to the Sexual~~

Contact;

- ~~threatening to harm oneself if the other party does not engage in Sexual Contact; or~~
- ~~threatening to disclose an individual's Sexual Orientation, Gender Identity, Gender Expression, or other personal sensitive information if the other party does not engage in the Sexual Contact.~~

~~B. — Incapacitation is defined as a temporary or permanent state in which a person cannot make informed, rational judgments the inability, temporarily or permanently, to give Consent because the person lacks the physical or mental capacity to understand the nature or consequences of his or her words and/or conduct and/or the person is unable to individual is mentally and/or physically or verbally communicate consent. helpless, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring.~~

Member of the University Community - Any person who is a student, faculty or staff, any other person currently employed by the University, or working on University Premises or within On-Campus Housing, or any participant in a University-sponsored program or activity regardless of the location of the program or activity.

Reporting Party 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 Reporting Party. 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. Any person (including the Complainant) who reports an alleged violation of the FIU 105 Regulation.

~~C. —~~ **Respondent** - Any individual or group

~~For the purpose of this definition —~~

- ~~(1) — Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.~~
- ~~(2) — Dating violence does not include acts covered under the definition of domestic violence.~~

~~Z. **Domestic violence** is defined as (1) A felony or misdemeanor crime of violence committed —~~

- ~~(1) By a current or former spouse or intimate partner of the Reporting Party;~~
- ~~(2) By a person with whom the Reporting Party shares a child in common;~~
- ~~(3) By a person who is cohabitating with, or has cohabitated with, the Reporting Party as a spouse or intimate partner;~~
- ~~(4) By a person similarly situated to a spouse of the Reporting Party 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 Reporting Party who is has been accused of violating _____ this _____ policy.~~

Responsible Employee - Any employee who has the authority to take action to redress Sexual Misconduct, Domestic and Dating Partner Violence and/or Stalking; who has been given the duty of reporting incidents of Sexual Misconduct or any other misconduct by students to the Title IX Coordinator or other appropriate school designee; or an individual who a student/employee could reasonably believe has this authority or responsibility.

Retaliation – Acts or words taken against an individual because of the individual’s participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Protected activity includes an individual’s good faith (i) participation in the reporting, investigation, and/or resolution of an alleged violation of this Code; and/or (ii) opposition to policies, practices, and/or actions that the individual reasonably believes are in violation of the Code. Retaliation may include intimidation, threats, Coercion, physical harm, and/or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. ~~person’s acts under the domestic or family violence laws~~ Retaliation may be committed by the Respondent, the Complainant, the Reporting Party, or any other individual or group of individuals.

Revenge Porn - to publish a sexually explicit image of a person, including any depiction that contains or conveys the personal identification or information of the depicted person by any electronic, digital or other means, including to an internet website, by text, by email, and/or by or through social media without the depicted person’s Consent.

Sexual Misconduct - involves failure to comply with this regulation and includes:

- **Non-Consensual Sexual Touching** – any sexual touching without Consent. Sexual touching is any intentional touching of a person’s body, including the breasts, buttocks, groin, genitals, or other intimate parts. Touching may be over or under clothing and may include the Respondent touching the Complainant, the Respondent making the Complainant touch the Respondent or another person, or the Respondent making the Complainant touch the Complainant’s own body.
- **Obscene or Indecent Behavior**
 - i. Exposure of one’s sexual organs or the display of sexual behavior that would reasonably be obscene or indecent to others. Other forms of obscene or indecent behavior include sexual exhibitionism, engaging in prostitution, or the facilitation or solicitation of a prostitute.
 - ii. Observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of the jurisdiction all parties involved.
 - iii. Recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information of another person in any form without the knowledge and Consent of all parties involved.
 - iv. Publishing a sexually explicit image of a person that contains or conveys the personal identification or information of the depicted person to an internet website, text, email, and/or social media without the depicted person’s Consent.
- **Sexual Harassment** – any unwelcome sexual advance, request for sexual favors, and/or other verbal or physical conduct of a sexual nature:
 - i. Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of a person’s instruction, academic standing, or participation in any University program, activity, or benefit;
 - ii. Submission to, or rejection of, such conduct by an individual is used as a basis for academic or work evaluation;

iii. Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in which the crime of violence occurred, or benefiting from the University's educational, and/or campus-residential experience when viewed both from a reasonable person in similar circumstances and the person in question.

- **iv. — Gender-based Harassment** - is harassment based on gender, sexual orientation, gender identity, or gender expression, including acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve contact of a sexual nature.
- **Sexual Coercion** – the act of using pressure or force to have sexual contact with someone who has already refused.
- **Sexual Battery** – any sexual intercourse by any person upon another without Consent. Sexual intercourse includes vaginal or anal penetration, however slight, by a person's penis, finger, other body part, or an object, or any oral-genital contact (regardless of whether it involves penetration).
- **Sexual Assault** – the threat to commit sexual battery with the immediate capacity to do so.

VIII. Stalking is defined as (i)— 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. ~~(ii)~~—For the purposes 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) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Reporting Party/Complainant.

~~AA. **Complicity** is defined as any act that knowingly aids, facilitates, promotes, and/or encourages the commission of Prohibited Conduct by another person.~~

~~**Retaliation** is defined as acts or words taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Protected activity includes an individual's good faith: (i) participation in the reporting, investigation, and/or resolution of an alleged violation of this Regulation; (ii) opposition to policies, practices, and/or actions that the individual reasonably believes are in violation of the Regulation; or (iii) requests for accommodations on the basis of religion or disability. Retaliation may include intimidation, threats, Coercion, physical harm, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated.~~

Title IX – refers to Title IX of the Educational Amendments of 1972, which protects people from sex and gender discrimination in educational programs and activities at institutions that receive federal financial assistance. Title IX covers more than athletics and sexual assault, it addresses concerns relating to discrimination on the basis of sex or gender in all aspects of the educational process, including in the areas of recruitment, admissions, and counseling; financial assistance; the needs of pregnant and parenting community members, discipline; and employment.

Title IX Coordinator –The individual University official with the primary responsibility for

coordinating the University's compliance with Title IX.

Deputy Title IX Coordinator – The Deputy Title IX Coordinator is an individual(s) designated by the Title IX Coordinator to support the Title IX Coordinator with respect to the University's efforts to comply with Title IX.

IV. JURISDICTION

Jurisdiction applies to the conduct of any employee (including faculty and/or staff) and/or student that occurs on University premises or on-campus housing, at University-related activities/events, on all locations where a University course or program is being conducted, including foreign locations, such as study abroad programs.

The University reserves the right to impose discipline based on off-campus conduct. Discipline for off-campus conduct may be pursued under the Regulation if:

~~BB. The Retaliation may be committed by the Responding Party, the Reporting Party, or any other individual or group of individuals.~~

~~CC. **Title IX Coordinator** is defined as the individual who oversees FIU's response to reports and complaints that involve sexual violence, dating violence, domestic violence, and/or stalking, who monitors the outcomes, identifies and addresses any patterns, and assesses the effects on the campus climate so the University can address such issues that affect the wider school community.~~

- ~~• **Interim Protective Measures** is defined as those temporary actions taken by the University to ensure equal access to its education programs and activities and to foster a more stable and safe environment during the process of reporting, investigating, and/or disciplining, if appropriate, a violation of this off-campus conduct is specifically prohibited by law or the Regulation;~~
- ~~• The off-campus conduct demonstrates that the continued presence of the employee and/or the student on campus presents a danger to the health, safety, or welfare of the University community, is disruptive to the orderly conduct, processes and functions of the University, is contrary to the University's mission, or is intimidating or threatening to the University community or member of the University community;~~
- ~~• The off-campus conduct is of such a serious nature that it adversely affects the employee's and/or student's suitability to remain a part of the University community; or~~
- ~~• The off-campus conduct has continuing effects on the campus.~~

~~DD. The University Regulation-~~

~~EE. **Responsible Employee** is defined as any employee who has the authority to take action to redress sexual violence, domestic violence, dating violence and/or stalking; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or who has been designated as Campus Security Authority.~~

~~FF. **Campus Security Authorities** is defined as those University employees who have a duty of reporting incidents of behavior that may constitute a Clery Crime to the Clery Coordinator (e.g., members of the University Police Department and those officials with significant responsibility for student and campus activities). An official with significant responsibility for student and campus activities is defined as any person who has the~~

~~authority and the duty to take action or respond to particular issues on behalf of the institution.~~

~~Examples of Campus Security Authorities include:~~

- ~~• the Dean of Students~~
- ~~• the Director of Campus Life~~
- ~~• any Residential Life professionals (e.g., Resident Advisor)~~
- ~~• staff at the Office of Student Conduct and Conflict Resolution who oversee the student conduct process~~
- ~~• the athletic coaches~~
- ~~• a faculty advisor to a student organization~~

~~GG. **Clery Crimes** are defined as:~~

~~(i) Primary crimes include~~

~~(A) Criminal homicide (i.e., murder, non-negligent manslaughter, negligent manslaughter)~~

~~(B) Sex offenses (i.e., rape, fondling, incest, statutory rape)~~

~~(C) Robbery~~

~~(D) Aggravated assault~~

~~(E) Burglary~~

~~(F) Motor vehicle theft, and~~

~~(G) Arson~~

~~(ii) Arrests and referrals for disciplinary actions, including (A) arrests for liquor law proceeding is not a criminal or judicial proceeding and is designed to address employee and/or student behavior, whether on or off-campus; therefore, alleged violations, drug law violations, and illegal weapons possession. (B) Persons not included (ii)(A) above but were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.~~

~~(iii) Hate crimes including~~

~~(1) Larceny-theft~~

~~(2) Simple assault~~

~~(3) Intimidation, and~~

~~(4) Destruction/damage/vandalism of property.~~

~~To constitute a hate crime, it must appear that the Reporting Party was intentionally selected because of the perpetrator's bias against the Reporting Party. Bias includes the Reporting Party's actual or perceived Race, Religion, Gender, Gender Identity, Sexual Orientation, Ethnicity, National Origin, and Disability, and~~

~~(iv) Dating violence, domestic violence, and stalking~~

~~HH. **Response Team** is defined as a group of designated individuals who respond to a report of sexual misconduct, dating violence, domestic violence, and/or stalking.~~

~~II. **Minor** is defined as a person who is under the age of 18 years old.~~

~~JJ. **Preponderance of the Evidence** is defined as when the information that is presented supports a finding that it is more likely than not that a violation occurred.~~

~~III. PROHIBITED CONDUCT~~

~~A. Discrimination and Harassment Based on All Protected Statuses Prohibited~~

~~This Regulation prohibits all forms of Discrimination and Harassment based on an individual's Protected Status, including, Age, Color, Creed, Disability, Gender, Gender Expression, Gender Identity, Genetic Information, National Origin, Race, Religion, Sex, Sexual Orientation, Veteran's Status and/or any other legally protected status. In addition, this Regulation prohibits~~

~~related misconduct, including Domestic Violence, Dating Violence, Stalking, Complicity, and/or Retaliation.~~

~~This Regulation prohibits Discrimination, meaning any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's Protected Status and that is sufficiently serious to unreasonably interfere with or limit:~~

- ~~• An employee's or applicant for employment's access to employment or conditions and benefits of employment (e.g., hiring, advancement, assignment); or~~
- ~~• A student's or admission applicant's ability to participate in, access, or benefit from educational programs, services, or activities (e.g., admission, academic standing, grades, assignment, campus housing).~~

~~Discrimination includes failing to provide reasonable accommodations, consistent with state and federal law, to a qualified person with a disability.~~

~~This Regulation prohibits Harassment, which is a type of Discrimination that occurs when verbal, physical, electronic, or other conduct based on an individual's Protected Status interferes with that individual's (a) educational environment (e.g., admission, academic standing, grades, assignment); (b) work environment (e.g., hiring, advancement, assignment); (c) participation in a University program or activity (e.g., campus housing); and/or (d) receipt of legitimately requested services (e.g., disability or religious accommodations), thereby creating hostile environment harassment or quid pro quo harassment, as defined below.~~

~~Hostile environment harassment: Unwelcome conduct based on Protected Status that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a University program or activity, thereby creating an environment that a reasonable person in similar circumstances and with a similar identity would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to hostile environment harassment.~~

~~Quid pro quo harassment: Unwelcome conduct based on Protected Status where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a University program or activity.~~

~~Consistent with the definitions provided above, below are examples of conduct that constitutes Discrimination and Harassment:~~

- ~~• May be blatant and involve an overt action, threat, or reprisal; or may be subtle and indirect, with a coercive aspect that is unstated but implied.~~
- ~~• May or may not include intent to harm.~~
- ~~• May not always be directed at a specific target.~~
- ~~• May be committed by anyone, will be addressed independently of any criminal or judicial proceeding and regardless of Protected Status, position, or authority. While there may be a power differential between the Reporting Party and the Responding Party (perhaps due to differences in age or educational, employment, or social status), Discrimination and Harassment can occur in any context.~~
- ~~• May be committed by a stranger, an acquaintance, or someone with whom the Reporting Party has a current or previous relationship, including a romantic or sexual relationship.~~

- ~~May be committed by or against an individual or by or against an organization or group.~~
- ~~May occur in the classroom, in the workplace, in residential settings, or in any other setting.~~
- ~~May be a pattern of behavior or, if sufficiently severe, a one-time event.~~
- ~~May be committed in the presence of others when the Reporting Party and Responding Party are alone, or through remote communications, including email, text messages, or social media.~~
- ~~May take the form of threats, assault, property damage, economic abuse, and violence or threats of violence.~~
- ~~May include harassing or retaliatory behavior directed to a sexual or romantic partner, family member, friend, or pet of the Reporting Party.~~

whether the criminal

- ~~The University strongly discourages amorous or sexual relations between employees (i.e., faculty and staff) and students. Such relationships, even when consensual, may be exploitive, and imperil the integrity of the educational process or work environment. They may also lead to charges of Sexual Harassment. have been dismissed or reduced.~~

~~However, when an individual evaluates (including academic evaluations) or directly supervises another individual with whom he or she has an amorous or sexual relationship, a conflict is created and that is Prohibited Conduct. The University will take action to resolve any conflict of interest created by these relationships.~~

~~Whenever a conflict of interest situation arises or is reasonably foreseen, the employee in a position of authority must resolve any potential conflict of interest by taking necessary steps, including, but not limited to, removing himself or herself from evaluative or academic decisions concerning the other individual. If he or she is unable to resolve personally the conflict of interest, he or she is required to inform the immediate supervisor promptly and seek advice and counsel in dealing with the conflict. The employee, along with the supervisor, is responsible for taking steps to ensure unbiased supervision or evaluation of the employee or student. Failure to resolve potential or actual conflict of interest situations as described in this Regulation may result in disciplinary action in accordance with University policies.~~

~~This Regulation does not preclude a division, college, or department from having a stronger policy against amorous or sexual relationship between employees or between faculty and/or staff with students provided that the policy is approved following the procedure set forth in University Policy 150.205 Developing University-Wide Policies.~~

~~B. SEXUAL ASSAULT, SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING ARE PROHIBITED FORMS OF DISCRIMINATION~~

~~Just as the University's prohibition of discrimination based on Protected Status (including Sexual Assault as a form of Sexual Harassment) is grounded in federal law, so is its prohibition against Domestic Violence, Dating Violence, and Stalking. The University's response to Sexual Assault,~~

~~Sexual Violence, Domestic Violence, Dating Violence, and Stalking is governed by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (the Clery Act) and Section 304 of the 2013 Amendments to the Violence Against Women Act. Such acts violate the essential dignity of our community member(s) and are contrary to our institutional values. The University is committed to taking all appropriate steps to eliminate Sexual Assault, Sexual Violence, Domestic Violence, Dating Violence and Stalking; prevent the recurrence of such acts; and address their effects, both for the Reporting Party and the broader community. The University recognizes that Sexual Assault, Sexual Violence, Domestic Violence, Dating Violence, and Stalking encompass a broad spectrum of conduct and will respond according to both the severity of the offense and the threat it poses to the campus community.~~

~~IV. REPORTING OPTIONS~~

V. OPTIONS FOR SEEKING CONFIDENTIAL ASSISTANCE AND/OR MAKING A REPORT OF A POTENTIAL VIOLATION

The University is committed to providing ~~reporting~~ options through multiple contact points across campus that are broadly accessible to all University community members. ~~Any individual can make a report under this Regulation to the individuals or to the individuals/departments listed below. The report may be made in person, by telephone, in writing, by e-mail, electronically, or anonymously. All reports will be shared with the Title IX Coordinator and University's Response Team. If the report involves a Minor, the Florida Department of Children and Families will be contacted as required by Florida Statutes Sections 39.201 and 39.205 and the University Mandatory Reporting of Child Abuse, Abandonment, and Neglect policy (see <http://policies.fiu.edu/files/785.pdf>).~~ to address a potential violation of FIU-105. Anyone may seek confidential assistance and/or make a report to the University on behalf of themselves or others. It is important to understand the differences between these two options. The chart below provides a graphical representation of the differences between the options.

REPORTING OPTIONS

[THE REST OF THIS PAGE IS LEFT INTENTIONALLY BLANK]

THERE IS A DIFFERENCE BETWEEN “SEEKING CONFIDENTIAL ASSISTANCE” AND “MAKING A REPORT TO THE UNIVERSITY.” IT IS IMPORTANT TO UNDERSTAND WHAT WILL HAPPEN DEPENDING UPON WHICH ACTION YOU CHOOSE.

CONFIDENTIAL ASSISTANCE*

Means talking about the situation with a professional who cannot share the information with anyone else, getting help figuring out what can be done according to your wishes, and helping with the options you choose, including if you decide to Make A Report to the University.

*There are certain legal limitations to confidentiality which will be explained to you at the beginning of any contact.

MAKING A REPORT TO THE UNIVERSITY

Means University Officials must take appropriate action

CONTACT:

On-campus professionals who can provide Confidential Assistance:

Victim Empowerment Program

24 hour crisis: 305-348-2277

MMC: SHC 270

vep.fiu.edu

Counseling & Psychological Services (CAPS)

MMC: SHC 270, 305-348-2277

BBC: WUC 320, 305-919-5305

caps.fiu.edu

Student Health Services

MMC: SHC, 305-348-3336

BBC: SHC, 305-919-5620

Office of Employee Assistance

MMC: 305-348-2469 • BBC: ACII 246B

CONTACT:

Title IX Coordinator

Deputy Title IX Coordinators

Responsible Employees

Campus Security Authorities

Student Conduct & Conflict Resolution
Staff

Faculty

Police



**Off-campus professionals
who can provide Confidential Assistance:**

**Roxcy Bolton Rape Treatment Center at
Jackson Memorial Hospital**

305-585-5185

1611 N.W. 12th Avenue, Miami, FL 33136

<http://www.jacksonhealth.org/services-rape-treatment.asp>

**Florida Council Against Sexual Violence
Information Line**

1-888-856-RAPE

Any licensed mental health professional can provide
Confidential Assistance



**University Officials to contact for Making a Report to
the University**

Shirlyon McWhorter

Title IX Coordinator

Director, Equal Opportunity Programs and Diversity
PC 321

Phone: 305-348-2785

Email: eopd@fiu.edu

Marlynn Jones

Deputy Title IX Coordinator

PC 321

Phone: 305-348-2785

Email: epod@fiu.edu

Dr. Kristen Kawczynski

Deputy Title IX Coordinator

Director, Student Conduct and Conflict Resolution

GC 311A

Phone: 305-348-3939

Email: kristen.kawczynski@fiu.edu

Julie Berg-McGraw

Deputy Title IX Coordinator

Senior Associate Athletic Director

USCBA 202A Phone: 305-348-2352

Email: julie.berg-Mc_Graw@fiu.edu



OR FILE ONLINE:



Silent Witness Form provides a method to report
on an anonymous basis to the FIU Police
Department:

http://police.fiu.edu/Silent_Witness.php

FIU Ethical Panther Line provides a method to
report on an anonymous basis to the University
Compliance Office at www.convercent.com/report
or by calling 1-844-312-5358.

Incident Reporting Form provides a method to
report on an anonymous basis to Student Affairs:

<https://publicdocs.maxient.com/incidentreport.php>

Below is a list of additional University ~~employees~~ Officials (who **are not** confidential resources) to which someone could report a violation.

~~Shirlyon McWhorter~~
~~Title IX Coordinator~~
~~Director, Equal Opportunity Programs and Diversity~~
~~PC215 Phone: (305) 348-2785~~
~~E-Mail: eopd@fiu.edu~~

~~Kristen Kawczynski~~
~~Deputy Title IX Coordinator~~
~~Director, Student Conduct and Conflict Resolution~~
~~GC311A Phone: (305) 348-3939~~
~~E-Mail: kristen.kawczynski@fiu.edu~~

~~Julie Berg~~
~~Deputy Title IX Coordinator~~
~~Senior Associate Athletic Director~~
~~USCBA 202A Phone: (305) 348-2352~~
~~E-Mail: julie.berg-Mc_Graw@fiu.edu~~

~~Cathy Akens~~
~~Associate Vice President of Student Affairs~~
~~Dean of Students~~
~~GC219E Phone: (305) 348-6726~~
~~E-Mail: Catherine.Akens@fiu.edu~~

Dr. Larry Lunsford
Vice President of Student Affairs
Office: GC 219K | Phone: 305-348-2797
Email: Larry.Lunsford@fiu.edu

Dr. Antonio “Tony” Delgado
Interim AVP of Student Affairs
Dean of Students
Office: GC 219E | Phone: 305-348-6726
Email: Tony.Delgado@fiu.edu

Dr. Antonio “Tony” Delgado
Office of the Ombudsperson (Students)
Office: GC 219E | Phone: 305-348-6726
Email: Tony.Delgado@fiu.edu

~~PC215 Phone: (305) 348-2785~~
~~E-Mail: eopd@fiu.edu~~

Chief Alexander “Alex” Casas

University Police Department
MMC-PG5 | Phone: 305-348-2626
BBC-SOII | Phone: 305-919-5559
Email: Alexander.Casas@fiu.edu

Dr. Rebecca Friedman
Faculty Ombudsperson
Office of the Provost
Vice President of Student Affairs
GC219K Phone: (305)-348-27970169
E-Mail: Larry.Lunsford@fiu.edu Email: Rebecca.Friedman@fiu.edu

Karyn Boston
AVP University Compliance-Officer-/Privacy officer
Office of University Compliance and Integrity

PC429 | Phone: (305)-348-2216
E-Mail: karyn.boston@fiu.edu Email: karyn.boston@fiu.edu

Below is a list of web-based reporting options:

In determining to whom to report, it is important that the Reporting Person understand the consequences of making such a report.

A. University Employees Who Must Report Violations

The University employees who are obligated by law or by
Seeking confidential assistance means talking about the alleged violation with a professional who
cannot share the information with anyone else without the express permission from the person
sharing the information unless there is a threat of serious harm to the person sharing the
information (e.g., patient/client) and/or to others and/or there is a legal obligation to reveal such
information (e.g., suspected abuse or neglect of a minor or vulnerable adult). Any individual may
choose to seek support from confidential professionals on and/or off campus, including the staff
at the University Victim Empowerment Program, the counselors at the University Counseling and
Psychological Services Center, medical health providers, clergy, and/or rape crisis counselors (as
noted in the chart above). The confidential resource will provide help in addressing the incident
to the extent possible and in accordance with the person's desires. Seeking confidential assistance
does not prevent an individual from making a report at a later date.

Making a report to the University designation to report potential violations of this Regulation are
those who are means contacting the Title IX Coordinator, Deputy Title IX Coordinator, a
Responsible Employees and Campus Security Authorities. Examples of Responsible Employees
include Deans, Directors, Department Chairs, Coaches, Student Affairs professionals (including
Resident Advisors), and faculty who serve as advisors to student groups. Members of Employee,
campus security authority, and/or the University Police Department are also Responsible
Employees. Alternatively, a report can be made to the University using the web-based options
listed in the chart above.

Responsible Employees will safeguard an individual's privacy, but **are required** by the University to immediately promptly share all details about a report of ~~Prohibited Conduct~~ prohibited conduct (including the known details of the incident (e.g., date, time, location), the names of the parties involved, a brief description of the incident and whether the incident has been previously reported) with the **Title IX Coordinator** in person, by telephone, electronically, or by email. Such reporting ensures timely support for all parties and enables an effective and consistent institutional response.

Campus ~~Security Authorities must~~ security authorities will safeguard an individual's privacy but **are required to promptly** share all known details of an incident, which may constitute a Clery ~~Crime, crime~~ consistent with the ~~expectations for Responsible Employees with~~ Clery Act requirements. Clery crimes must be disclosed to the Clery ~~Act~~ Compliance Coordinator ~~and the Title IX Coordinator. The Clery Act Coordinator who~~ is responsible for maintaining the University's daily crime log and annual security report, which contains information on certain crimes ~~but no, No~~ identifying information with respect to ~~a Reporting Party, any party is included.~~

~~B. Other Individual's Reporting Obligation (Except Confidential Resources)~~

All other employees (who are not designated as confidential resources) will safeguard an individual's privacy, but are strongly encouraged to share any information about such conduct with the Title IX Coordinator and/or a member of the Title IX Response Team in recognition of the understanding that centralized reporting is an important tool to address, end and prevent ~~Prohibited Conduct~~.

prohibited conduct. Similarly, all students (who are not otherwise required to report as a Responsible Employee and/or Campus Security Authority) are strongly encouraged to report any information, including reports or partial reports, to the **Title IX Coordinator** and/or a member of the Title IX Response Team.

~~C. Confidential Resources~~

~~The trained professionals designated below can provide counseling, information, and support in a confidential setting. These confidential resources will not share information about an individual (including whether that individual has received services) without the individual's express permission unless there is a threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a Minor). The on-campus professionals are also available to help an individual make a report to the University.~~

On-Campus:

~~Victim Empowerment Program (VEP)~~

~~Counseling and Psychological Services (CAPS)~~

~~MMC | SHC 270~~

~~(305) 348-2277~~

~~BBC | WUC 320~~

~~(305) 919-5305~~

~~Office Employee Assistance~~

~~MMC | UHSC 136~~

BBC | ACH 246B
(305) 348-2469

University Student Health Services

MMC | SHSC
(305) 348-3336
BBC | SHSC
(305) 919-5620

~~A Faculty Ombudsperson
Office of the Provost~~

~~The following individuals serve as an ombudsperson to either the students or faculty. These individuals will protect the confidentiality of the student or faculty member to the extent permitted by law. However, they are considered both a Responsible Employee and Campus Security Authority.~~

~~Tony Delgado Office of the (Student) Ombudsperson
Assistant Dean of Students
GC219 Phone: (305) 348-2797
E-Mail: Tony.Delgado@fiu.edu~~

~~Barbara Bader
PC529 Phone: (305) 348-0296~~

~~The following are off-campus providers which provide confidential services. However, these providers have no obligation to report to the University.~~

~~**JMH Rape Treatment Center**
(305) 585-7273~~

~~**Florida Council Against Sexual Violence Information Line**
1-888-856-RAPE~~

~~For any report under this Regulation, every effort will be made to respect and safeguard the privacy interests and safety of all individuals involved in a manner consistent with the need for a careful assessment of the allegation and any necessary steps to eliminate the conduct, prevent its recurrence, and address its effects. Privacy and confidentiality have distinct meanings under this Regulation.~~

~~*1. Privacy*~~

~~Privacy generally means that information related to a report under this Regulation will only be shared with those University employees who “need to know” in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. If the decision is made to pursue an action against a Responding Party, information related to the report will be shared with the Reporting Party at the same time as it is shared with the Responding Party. Information regarding a report will not be shared with either party’s parents or guardians unless the party is a Minor (and sharing is permissible under the Family Education Rights and Privacy~~

~~Act (FERPA)); the party has signed a waiver that is compliant with FERPA; or there is an articulable threat to the health or safety of the party or other individuals.~~

~~2. Confidentiality~~

~~Confidentiality means that information shared with designated campus or community professionals will only be disclosed with the individual's express written permission unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., where there is suspected abuse or neglect of a Minor). An individual can seek confidential assistance and support by speaking with specially designated Confidential Resources.~~

~~3. Records~~

~~The Equal Opportunity Programs/Diversity Office will maintain records of all reports under this Regulation and their outcomes in order to track patterns and systemic behaviors.~~

~~4. Release of Information~~

~~If a report of Prohibited Conduct discloses a serious and immediate threat to the campus community, FIU Police Department will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The notification will not include identifying information about a Reporting Party.~~

~~Pursuant to the Clery Act and the 2013 Amendments to the Violence Against Women Act, anonymous statistical information regarding reported criminal incidents must be shared with FIU Police Department for inclusion in the daily crime log. This information will also be included in the University's annual security report.~~

~~All University proceedings are conducted in accordance with the requirements of Title IX, the Clery Act, the Violence Against Women Act, FERPA, state and local law, and University Regulation. No information, including the identity of the parties, will be released from such proceedings except as required or permitted by law or University Regulation.~~

~~5. Understanding the Difference Between Making a Report to the University and Seeking Confidential Assistance Through a Confidential Resource~~

~~There is a distinction between making a report to the University such as to a Responsible Employee, Campus Security Authority, or the University Police and seeking confidential assistance through confidential resources. Making a report to the University by contacting one of the groups listed above means that the report will be shared with the Title IX Coordinator and/or members of the University's Response Team. The Title IX Coordinator and/or a University Response Team member will communicate with the Reporting Party regarding resources, support and to identify the appropriate action to respond to the report as outlined in this Regulation. There are many options for resolution of a report, and a~~ **A Reporting Party is encouraged to report conduct they believe may be prohibited discrimination or harassment (or that left unchecked may rise to the level of prohibited discrimination or harassment) even if they are not sure that the conduct violates this Regulation. A** ~~Reporting Party is encouraged to make a report even if he or she does~~**they do** ~~not want the University to take action against a~~ **Responding Party/Respondent.** ~~The University will make every effort to respect a Reporting Party's autonomy if that is the Reporting~~

Party's desire. ~~Support and resources are always available to a Reporting Party regardless of the chosen course of action. Notwithstanding the Reporting Party's decision, the University will assess whether it is necessary to take some action to continue to provide a safe and non-discriminatory environment. The University will advise the Reporting Party as necessary. Making a report to the University does not mean that the Reporting Party cannot also seek confidential assistance then or at a later date.~~

~~By contrast, information shared with a Confidential Resource will not be disclosed to anyone else, including the University, except under very limited circumstances. Any individual may choose to seek support from confidential professionals on and off campus, including the staff at the Victim Empowerment Program, the counselors at the University Counseling and Psychological Services Center, medical health providers, clergy, and rape crisis counselors.~~

~~D. Mandatory Reporting of Abuse, Abandonment, and Neglect Policy of a Minor~~

~~This policy applies to all Florida International University (FIU) faculty, staff, students and volunteers. This policy implements the mandatory reporting obligations in Florida law regarding child abuse, abandonment and neglect. In the State of Florida, any person who knows, or has reasonable cause to suspect, that a Minor is abused, abandoned or neglected must immediately report this information to the Florida Department of Children and Families (DCF) in order that no harm comes to the Minor.~~

~~In the course of their employment, research, service and/or academic endeavors, all FIU faculty, staff, students and volunteers are expected to report instances of abuse, abandonment and neglect of a Minor which they know of or have reasonable cause to suspect. FIU strives to create an environment where anyone who knows of, or has reasonable cause to suspect, abuse, abandonment or neglect of a Minor feels empowered to report it without any fear of retaliation. Additionally, any person who knows, or has reasonable cause to suspect, that a Minor is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender must immediately report the information to the DCF. The means to contact DCF are set forth below in the Procedures section outline in the University policy which can be found online at: <http://policies.fiu.edu/files/785.pdf>.~~

~~E. The Effect of Making a Report~~

~~Making a report to the University means telling a Responsible Employee or Campus Security Authority what happened, in person, by telephone, in writing, by e-mail, electronically, or anonymously. The University encourages a Reporting Party or someone on the Reporting Party's behalf to make a report directly to a Responsible Employee or Campus Security Authority. In turn, these University employees will, as quickly as possible, refer the report to the Title IX Coordinator and/or the Response Team to assure consistent application of this Regulation.~~

VI. INTERIM PROTECTIVE MEASURES AVAILABLE THROUGH THE UNIVERSITY

~~Upon receipt of a report, the Title IX Coordinator and/or the Response Team will conduct an initial~~

~~assessment of the incident or behavior at issue which includes evaluating the risk of harm to the parties, any other individuals, or the broader campus community; the Reporting Party's desired course of action; and the necessity for any Interim Protective Measures to protect the safety of the Reporting Party, any other individuals, and/or the community. A member of the Response Team will offer appropriate resources to support the Reporting Party and at the conclusion of the initial assessment, determine the appropriate manner of resolution.~~

~~The University recognizes that deciding whether to make a report and choosing how to proceed are personal decisions. A Reporting Party does not have to decide whether to request any particular course of action. Choosing to make a report and deciding how to proceed after making a report is a process that unfolds over time. The University will make every effort to respect a Reporting Party's choice, including the desire for autonomy, in making the determination as to how to proceed. Resources are always available to support a Reporting Party regardless of the course of action chosen. All individuals are encouraged to make a report regardless of when or where the incident occurred, and to seek any necessary help from campus or community resources. Notwithstanding the Reporting Party's decision, the University will assess whether it is necessary to take action to continue to provide a safe and non-discriminatory environment. The University will advise the Reporting Party as necessary.~~

~~VI. INTERIM PROTECTIVE MEASURES AVAILABLE THROUGH THE UNIVERSITY~~

When a report is received, the *Title IX Coordinator* or designee, in consultation with other appropriate administrators, will make an assessment of any risk of harm to the parties, any other individuals, or ~~to the broader campus~~University community ~~and~~. The University may impose reasonable and appropriate ~~Interim Protective Measures~~interim protective measures when necessary to protect the safety and/or emotional well-being of the parties or witnesses involved and/or to provide academic or other appropriate support. ~~Interim Protective Measures are temporary actions taken by~~ Implementing any interim protective measure is within the University ~~to ensure equal access to its education programs and activities and to foster a more stable and safe environment during the process~~sole discretion of reporting, investigating, and/or disciplining, ~~if appropriate, a violation of this Regulation~~the University. Because they are temporary in nature, interim protective measures may be amended or withdrawn as additional information is gathered. ~~The~~ *Title IX Coordinator* or designee, in consultation with other administrators, will maintain consistent contact with the parties so that all safety, and/or emotional, ~~and physical~~ well-being concerns can be reasonably addressed.

Interim ~~Protective Measures~~protective measures may be ~~applied~~afforded to the Complainant, the Reporting Party, the ~~Responding Party~~Respondent, and/or other involved individuals as appropriate to ensure their safety and/or well-being. ~~Interim Protective Measures~~ interim protective measures may be requested by the parties ~~or the University~~ at any time, regardless of whether any particular course of action is sought by the ~~Reporting Party~~. Complainant. The range of ~~Interim Protective Measures~~interim protective measures may include:

- Arranging for medical services
- Access to counseling services either provided by the University and assistance in setting up initial appointments ~~or through community resources~~
- Providing crisis intervention, case management, emotional and/or practical support, and/or safety planning through the Victim Empowerment Program for students and

- through the Office of Employee Assistance for faculty and staff
- Imposition of a University “No-Contact Order” for all or some of the parties involved in the incident
- Imposition of a “No Trespass Order” for all or part of any University property
- Rescheduling of exams and assignments
- Providing alternative course completion options
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections
- Change in work schedule or job assignment
- Change in campus housing assignment
- Assistance from University support staff in completing housing relocation, if feasible
- ~~Limiting access to certain University facilities or activities pending resolution of the matter~~
- Voluntary leave of absence from work in accordance with University policies
- Providing an escort to assure safe movement between classes and activities
- ~~Arranging for medical services~~
- Providing academic support services, such as tutoring
- University-imposed leave, or suspension, ~~or separation~~ for the Responding Party Respondent.
- Any other feasible measure(s), which can be tailored to the involved individuals to achieve the goals of this Regulation.

All individuals are encouraged to report concerns about the adequacy of the ~~Interim Protective Measures or interim protective measures or the~~ failure of another individual to abide by any ~~Interim Protective Measure interim protective measure~~ to the **Title IX Coordinator**. ~~Violations of Interim Protective Measures will be addressed in accordance with this Regulation.~~ The **Title IX Coordinator** will take appropriate, responsive, and prompt action to enforce ~~Interim Protective Measures interim protective measures~~ and/or to respond to **Retaliation** by another party or witness.

VII. INVESTIGATION OF A REPORT OF A POTENTIAL VIOLATION OF FIU REGULATION 105 AND RESOLUTION OF AN INVESTIGATION

If the Respondent is a student, the Director of Student Conduct and Conflict Resolution/Deputy Title IX Coordinator will oversee the matter in accordance with the Student Code of Conduct Regulation (FIU Regulation 2501) working with the Title IX Coordinator. If the Respondent is an employee, the Title IX Coordinator will oversee the matter. If the Respondent is a student and holds a position as University employee, the Title IX Coordinator and the Director of Student Conduct and Conflict Resolution will determine which office will have primary oversight of the matter.

There may be instances in which a Complainant is unable or unwilling to pursue a report of Discrimination but where the Title IX Coordinator is aware of the behavior. In such instances, the Title IX Coordinator may choose to pursue an investigation of the alleged offense. The decision of whether or not to take further action on a report will be based on an assessment of safety and the maintenance of a non-discriminatory environment.

• **INVESTIGATION OF A REPORT OF A POTENTIAL VIOLATION OF THIS REGULATION AND RESOLUTION OF AN INVESTIGATION PROCEDURES**

If, after an initial assessment of a report of a ~~Prohibited Conduct~~ prohibited conduct, the **Title IX Coordinator** determines that an investigation is necessary, the **Title IX Coordinator** will oversee the investigation. ~~If Reporting Party and the Responding Party are students, the Director of Student Conduct and Conflict Resolution/Deputy Title IX Coordinator will work with the Title IX Coordinator regarding the investigation.~~ process. The Title IX Coordinator will select a trained investigator(s) to gather sufficient evidence to reach a fair, impartial determination as to whether the alleged violation has occurred based on the preponderance of the evidence. The investigator(s) will be trained to gather and document the available evidence to support reliable decisions, objectively evaluate the credibility of the parties and witnesses, synthesize all available evidence (including both supportive and non-supportive evidence), and take into account the unique and complex circumstances of each case. The Title IX Coordinator will select investigator(s) who are free of actual or reasonably perceived conflicts of interest and biases for or against any party.

Prior to the initial investigation meeting, the Title IX Coordinator will send to the Respondent and Complainant written notice about the allegations constituting a potential violation of this Regulation in order for the parties to prepare for meaningful participation in the matter. During an investigation, the investigator(s) will seek to meet separately with the Complainant, the Respondent, and any witnesses. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, or related matters. The investigator(s) will also gather other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person), and other electronic records as appropriate. The investigator(s), not the parties, are responsible for gathering relevant evidence to the extent reasonably possible. Both the Complainant and Respondent are encouraged to promptly submit any relevant information, including witnesses' names. If a party declines to provide relevant information, the University's ability to conduct a prompt, thorough, and equitable investigation may be impaired.

All investigations will be conducted in a prompt fashion to determine what occurred and whether steps must be taken to resolve the situation. The appropriate University officials will make every effort to complete the investigation phase ~~will be completed~~ within 60 calendar days a reasonable period of time from the filing of a report or when the University becomes aware of behavior that may be a violation of this Regulation. ~~The parties will be advised of any extension of time as needed to complete the investigation phase.~~

~~There may be instances in which a Reporting Party is unable or unwilling to pursue a report of Discrimination, but where the University administration is aware of the behavior. In such instances, the Title IX Coordinator may choose to pursue an investigation of the alleged offense. The decision of whether or not to take further action on a report will be based on an assessment of safety and the maintenance of a non-discriminatory environment.~~

~~The~~Any investigation may include, but shall not be limited to, interviewing the Complainant, Reporting Party (if not the Complainant) and the Responding Party~~Respondent~~ regarding the

allegations, interviewing other persons who may have information relevant to the allegations, preparing witness statements for all persons interviewed, and/or reviewing of any relevant documents.

RESOLUTION OF THE INVESTIGATION WHEN THE RESPONDENT IS AN EMPLOYEE

Upon completion of the investigation, a report shall be prepared which includes a summary of the complaint, a description of the investigation, ~~and the findings of fact~~ the findings of fact, and a determination whether a violation of Regulation FIU-105 is substantiated or unsubstantiated. The conclusion that a violation was substantiated will be based on a preponderance of the evidence standard. The final investigation report shall be given to the following people at or about the same time (as is practicable): the Complainant, the Respondent, and the Director of Employee and Labor Relations- and/or the Division of Academic Affairs. The appropriate office will determine what action, including discipline, (if any) may be necessary. No decision about discipline or implementing any discipline will be taken until the time for filing an appeal has lapsed or when the appeals process has finally concluded.

A. Resolution of the Investigation When Both Parties are Employees or if the Responding Party is an Employee and the Reporting Party is a Student

~~If the Reporting Party and Responding Party are employees or if the Responding Party is an employee and the Reporting Party is a student, the investigation report shall be given to the following people at the same time: the Vice President for Human Resources or designee, the Reporting Party, the Responding Party, the immediate supervisor of the Responding Party, and the appropriate vice president or department head for additional action as necessary.~~

Either party may seek review of the final investigation report ~~to~~ by the Vice President for Human Resources or a designee by filing an appeal within ~~three (3) calendar~~ seven (7) business days of receipt of the investigation report. The appeal shall be based on one or more of the following:

- relevant evidence was not reviewed and/or
- new evidence is available, or
- the factual evidence was insufficient to support the ~~findings—report.~~

The appeal shall be in writing and shall set forth the issues to be considered in the appeal. Copies of the appeal shall be provided to the other party ~~as soon as is practicable.~~ The other party may file a response to the appeal to the Vice President for Human Resources ~~or designee~~ within ~~three (3)~~ seven (7) business days of receipt of the appeal. ~~The Vice President for Human Resources or designee shall issue a written finding within three (3) calendar seven (7) business days after receipt of the appeal, or of a response to the appeal, whichever is later, and will give the report to all parties at or about the same time— (as is practicable). These deadlines may be extended provided all parties mutually agree when necessary (but not in writing an attempt to delay the extension final resolution of the matter).~~

~~Upon final acceptance by~~ Once the Vice President for Human Resources or designee of a written finding that there was a Preponderance of Evidence that an employee violated this Regulation, appeal process has concluded, the Director of Employee Labor and Relations Department, ~~the~~

~~immediate supervisor of the Responding Party, and the Title IX Coordinator will determine the /or the Division of Academic Affairs (if the faculty is involved) will make a recommendation to the Respondent's supervisor as to whether any disciplinary action should to be taken against the Responding Party-Respondent. The resolution of the complaint will be communicated to the Reporting Party-Complainant and the Responding Party-Respondent at or about the same time. Disciplinary action shall be taken in accordance with the Regulations and policies affecting the class of employee and the terms of any applicable collective bargaining agreement. (as it practicable).~~

RESOLUTION OF THE INVESTIGATION PROCESS WHEN THE *RESPONDENT* IS A STUDENT

B. Upon Resolution of the Investigation When Both Parties are Students or the Reporting Party is an Employee and the Responding Party is a Student

~~If the Reporting Party and Responding Party are students or if the Reporting Party is an employee and the Responding Party is a student, the completion of the investigation, a report shall be given to the Reporting Party, the Responding Party, and the Director of Student Conduct and Conflict Resolution/Deputy Title IX Coordinator at the same time, prepared which includes a description of the investigation, a summary of the complaint and the witness statements. The Director of Student Conduct and Conflict Resolution/Deputy Title IX Coordinator will review the report in order to determine whether the Responding Party should be charged with there is a potential violation(s) of the Student ~~Code of Conduct and~~ Code.~~

~~If the Director determines that there has been a violation(s), the Director will advise the Title IX Coordinator accordingly. If such determination is made, follow the process that is described in the Student ~~Code of Conduct~~ will govern the process. Code. See FIU Regulation 2501 at <http://regulations.fiu.edu/regulation>.~~

VIII. RETALIATION

~~For~~

VIII. ADDITIONAL RESOURCES

A. Equal Opportunity Programs and Diversity Office

~~The Equal Opportunity Programs and Diversity Office has primary responsibility for administering purposes of this Regulation and oversees the investigation, response to, and resolution of all reports of Prohibited Conduct; however, questions, concerns, and/or reports may also be addressed to any member of the Response Team.~~

Title IX Coordinator

~~The University has a designated the Director of the Equal Opportunity Programs and Diversity as the Title IX Coordinator. The Title IX Coordinator oversees the University's investigation, response to, and resolution of all reports of Prohibited Conduct based on sex (including Sexual or Gender Based Harassment and Sexual Violence), Domestic Violence, Dating Violence, and Stalking, and of related Complicity and, **Retaliation** involving students, faculty, and staff. The Title IX Coordinator, retribution or reprisal is:~~

- ~~Knowledgeable and trained in University policies and procedures and relevant state and federal laws;~~
- ~~Available to advise any individual, including a Reporting Party, a Responding Party, or a third party about University and community resources and reporting options;~~
- ~~Available to provide assistance to any University employee regarding how to respond appropriately to a report of Title IX-related Prohibited Conduct, Domestic Violence, Dating Violence, Stalking, and/or related Retaliation;~~
- ~~Participates in ensuring the effective implementation of this Regulation, including monitoring compliance with all procedural requirements, recordkeeping, and timeframes;~~
- ~~Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture; and~~
- ~~Maintains all discrimination reports.~~

~~Inquiries or concerns about Title IX may be referred to the University's Title IX Coordinator. Concerns about the University's application of Title IX under this Regulation may be addressed to the United States Department of Education, Office for Civil Rights:~~

Title IX Coordinator	Office for Civil Rights
Shirlyon McWhorter	(800) 421-3481
(305) 349-2785 shirlyon.mewhorter@fiu.edu	Email: OCR@ed.gov

~~B. Response Team~~

~~A report of Prohibited Conduct may be made to any designated person or by any method included in the Reporting Option section above. Members of the Response Team can help any University community member understand the Regulation and the options for resolving concerns raised under this Regulation in academic or work settings at the University. The Response Team will attempt to protect and safeguard the privacy of all individuals involved in a manner consistent with the need for a careful assessment of and response to the report.~~

~~The Response Team consists of a small “need to know” number of individuals. Depending on the roles (e.g., student, faculty, and staff) of the Reporting Party and the Responding Party, the Response Team includes the following:~~

- ~~Title IX Coordinator~~
- ~~Student Conduct and Dispute Resolution Director/Deputy Title IX Coordinator~~
- ~~Dean of Students~~
- ~~Director of Victim Empowerment Program~~
- ~~Director of Residential Life~~
- ~~Assistant Chief of Police of the University Police Department~~
- ~~Vice President for Academic Affairs~~
- ~~Senior Associate Athletic Director/Deputy Title IX Coordinator~~
- ~~Other administrators as needed depending on the facts and circumstances of the case.~~

~~C. How to Get Help In the Event of an Emergency~~

~~Anyone who has experienced Sexual Violence, Domestic Violence, Dating Violence, and/or~~

Stalking is urged to immediately seek help. In life threatening situations, dial 911. Other help includes seeking medical assistance, seeking confidential counseling or crisis response, filing a report with law enforcement, and making a report to the University. FIU Police Department will help any individual get to a safe place, provide transportation to the hospital, contact another law enforcement agency, and offer information about the University's resources and processes. Information about the difference between Reporting Options and confidential resources is listed above.

<u>Emergency Response</u>	<u>Medical Treatment</u>	<u>Confidential Counseling & Crisis Response</u>
<p>Call 911</p> <p>FIU MMC Police (305) 348-5911</p> <p>FIU BBC Police (305) 919-5911</p> <p><u>Other Agencies Not Affiliated with FIU that can be Contacted for Emergency Assistance</u></p> <p>Sweetwater Police Department (305) 552-9900</p> <p>Miami Dade Police Department (305) 476-5423</p>	<p>FIU Student Health Services MMC SHSC (305) 348-2401</p> <p>BBC SHS (305) 919-5307</p> <p><u>Other Agencies Not Affiliated with FIU that can be Contacted for Medical Treatment</u> Rape Treatment Center (305) 585-5185</p>	<p>FIU Counseling and Psychological Services (CAPS) counselingservices.fiu.edu MMC SHC 270 (305) 348-2277 BBC WUC 320 (305) 919-5305</p> <p>Victim Empowerment Program (VEP) vep.fiu.edu 24 Hour Hotline (305) 348-3000</p> <p>FIU Office of Employee Assistance MMC UHSC136 BBC ACH 246B (305) 348-2469</p>

~~IX. RETALIATION PROHIBITED~~

Retaliation is expressly prohibited by this Regulation, and the University will take immediate and responsive defined as adverse action to any report of Retaliation or any violation of Interim Protective Measures. During the investigation and resolution of violations of this Regulation that are alleged in good faith, reasonable steps will be taken to protect the Reporting Party, the Responding Party, and other participants in the reporting, investigation, and resolution process from Retaliation. Any individual who engages in Retaliation will be subject to prompt and appropriate disciplinary action. Individuals who have a concern about potential or actual Retaliation should contact the Title IX Coordinator for assistance in addressing the concern. If the concern about Retaliation involves the Equal Opportunity Programs/Diversity Office or Title IX Coordinator, against an employee or student as a result of an individual may contact the Vice President of Human Resources.

~~X. EDUCATION AND PREVENTION PROGRAMS~~

The University is committed to offering educational programs to promote awareness and prevention of Prohibited Conduct. Educational programs include an overview of the University's policies and procedures; relevant definitions, including prohibited conduct, discussion of the impact of alcohol and illegal drug use; Consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Incoming first year students and new employees will be offered primary prevention and awareness programming as part of their orientation. Returning

~~students and employees will also have ongoing opportunities for training and education. The Title IX Coordinator maintains an education and prevention calendar and tailor programming to campus needs and climate. Online training programs can be accessed through the Division of Human Resources — Talent — Management — and — Development's — website — at http://hr.fiu.edu/index.php?name=professional_development.~~

~~As part of the University's commitment to provide an educational and work environment free from Prohibited Conduct, this Regulation will be disseminated widely to the University community through email communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication or student's good faith reporting of violations of law, rule, regulation, policy or other misconduct.~~

~~XI. — ANNUAL REVIEW~~

~~This Regulation is maintained by the Equal Opportunity Programs and Diversity office. The Equal Opportunity Programs and Diversity Office and Title IX Coordinator will review this Regulation on at least an annual basis, with the assistance of an advisory group consisting of student, faculty, staff, and community representatives selected by senior leadership of that office. The review will capture evolving legal requirements, evaluate the supports and resources available to the parties, and assess the effectiveness of the resolution process (including the fairness of the process, the time needed to complete the process, and the sanctions and remedies imposed). The review will include the opportunity for individuals affected by the Regulation to provide feedback and will incorporate an aggregate view of reports, resolution, and climate. The Title IX Coordinator will prepare an annual report, publicly available, which will include recommendations and steps taken to improve the delivery of services and the effectiveness of the Regulation and procedures.~~

~~XII. — CONTACT~~

~~Questions about this Regulation should be directed to Shirlyon McWhorter, the Title IX Coordinator and Director of the Equal Opportunity Programs and Diversity office at Florida International University Modesto A. Maidique Campus PC 321 11200 S.W. 8th Street Miami Florida. The telephone number for the Equal Opportunity Programs and Diversity office is 305.348.2785. The fax number is 305.348.3459. The Title IX Coordinator's email address is shirlyon.mewhorter@fiu.edu.~~

~~The Title IX Coordinator has appointed the following people as Deputy Title IX Coordinators: If a member of the University community believes that **Retaliation** may have been taken against them as a result of filing a grievance, complaint or report of a violation of law, rule, regulation or policy, they should report the retaliation to the EOPD Office. The situation will be reviewed and a response will be provided to the employee or student who alleged the **Retaliation**.~~

- ~~• Dr. Kristen Kawczynski, Director of the Student Conduct and Conflict Resolution Department. Her contact information is: (305) 348 3939. Her email address is kristen.kawczynski@fiu.edu.~~
- ~~• Julie Berg, Senior Associate Athletic Director. Her contact information is: (305) 348 2352 Her email address is: Julie.berg-Mc-Graw@fiu.edu.~~

~~*Specific Authority: Board of Governors Regulation 1.001 (5)(a). History — Formerly FIU 104 (repealed)*~~

| ~~and FIU 103 (repealed). New April 15, 2015.~~

This page intentionally left blank

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Academic Policy and Student Affairs Committee

June 6, 2018

Subject: Approval of the creation of Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII).

Proposed Committee Action:

Recommend that the Florida International University Board of Trustees approve the creation of Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII).

Background information:

The basis for this regulation is the former FIU-103 Non-Discrimination Policy and Discrimination Complaint Procedures (which was repealed and incorporated into FIU-105 Prohibited Discrimination, Harassment and Related Misconduct Including Sexual and Gender-Based Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking on April 16, 2015). FIU-106 updates the investigation procedures included in the former FIU-103 to conform to the 2017 Dear Colleague Letter from the Department of Education.

Florida Board of Governors Regulation 1.001(5)(a), University Board of Trustees Powers and Duties, provides, in relevant part, that each boards of trustees shall provide for the establishment of “the personnel program for all the employees of the university, including ... standards for performance and conduct,... disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment.”

Florida Board of Governors Regulation 1.001(3)(j)(l) provides, in relevant part, that each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedures adopted by the Board of Governors; and each board of trustees shall be responsible for campus safety and emergency preparedness, to include safety and security measures for university personnel, students and campus visitors.

Supporting Documentation:	Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII)
----------------------------------	--

Facilitator/Presenter:	Shirlyon J. McWhorter
-------------------------------	-----------------------

This page intentionally left blank

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS
NOTICE OF CHANGE TO PROPOSED REGULATION**

REGULATION TITLE: Nondiscrimination, Harassment and Retaliation (Title VII)

REGULATION NO.: FIU-106

Based on comments received, this Regulation was revised to strengthen the University's commitment to an environment that is free from discrimination, harassment, and retaliation based on race, color, sex, pregnancy, religion, age, disability, national origin, marital status, and veteran status.

TEXT OF REGULATION: The full text of the Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu>. If you would like a copy of the Regulation, please contact Eli Deville, Departmental Administrator, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Board of Governors regulation 1.001(5)(a).

NAME OF PERSON INITIATING PROPOSED REGULATION: Shirlyon McWhorter, Director of the Equal Opportunity Programs and Diversity/Title IX Coordinator

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Eli Deville, Departmental Administrator, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu. Fax: (305) 348-3272. Phone: 305-348-2103.

DATE OF PUBLICATION: May 29, 2018

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW WITH THE CHANGES HIGHLIGHTED IN YELLOW:

FIU-106 NONDISCRIMINATION, HARASSMENT AND RETALIATION (TITLE VII)

Responsible University Officer: Director of the Equal Opportunity Programs and Diversity/Title IX Coordinator

Responsible Office: Equal Opportunity Programs and Diversity and Diversity

<u>CONTENTS</u>	<u>PAGE</u>
<u>Chapter (I) Policy Statement</u>	<u>1</u>
<u>Chapter (II) Purpose & Intent</u>	<u>1</u>
<u>Chapter (III) Definition of Terms</u>	<u>1</u>
<u>Chapter (IV) Prohibited Conduct</u>	<u>2</u>
<u>Chapter (V) Complaint and Investigation Process</u>	<u>2</u>
<u>Chapter (VI) Retaliation Prohibited</u>	<u>3</u>

I. POLICY STATEMENT

Florida International University (the University) affirms its commitment to ensure that each member of the University community shall be permitted to work or study in an environment free from any form of illegal discrimination, including race, color, sex, pregnancy, religion, age, disability, national origin, marital status, and veteran status. The University recognizes its obligation to work towards a community in which diversity is valued and opportunity is equalized. This Regulation establishes procedures for an applicant or a member of the University community (faculty, staff, affiliated third parties, and/or student) to file a complaint of alleged discrimination or harassment. It shall be a violation of this Regulation for any member of the University community to discriminate against or harass any member of the University community or applicant. Discrimination and harassment are forms of conduct that shall result in disciplinary or other action as provided by the Regulations/policies of the University.

The University is also committed to creating a work or academic setting free from illegal discrimination based on sexual misconduct, sexual orientation, gender identity or expression which is addressed in FIU Regulation 105 Sexual Misconduct (Title IX).

II. PURPOSE AND INTENT

This Regulation applies to the conduct of University students and employees, including faculty and staff. The non-discrimination provisions also apply to contractors and other third parties under circumstances within the University's control. The Regulation provides for prompt and equitable resolution of reports of discrimination, harassment, and retaliation.

III. DEFINITION OF TERMS

Discrimination - treating any member of the University community differently than others are treated based upon race, color, sex, pregnancy, religion, age, disability, national origin, marital status and/or veteran status.

1. Examples of conduct which falls into the definition of discrimination includes, but is not limited to: Disparity of treatment in recruiting, hiring, training, promotion, transfer, reassignment, termination, salary and other economic benefits, and all other terms and conditions of employment on the basis of membership in one of the listed groups.

2. Disparity of treatment in educational programs and related support services on the basis of membership in one of the listed groups.

3. Limitation in access to housing, or participation in athletic, social, cultural or other activities of the University because of race, color, religion, age, disability, national origin, marital status and/or veteran status.

4. Retaliation for filing complaints or protesting practices which are prohibited under this Regulation.

Harassment - conduct which unreasonably interferes with an employee's, student's or applicant's status or performance by creating an intimidating, hostile, or offensive working or educational environment. It includes offensive or demeaning language or treatment of an individual, where such language or treatment is based typically on prejudicial stereotypes of a group to which an individual may belong. It includes, but is not limited to, objectionable epithets, threatened or actual physical harm or abuse, or other intimidating or insulting conduct directed against the individual.

IV. PROHIBITED CONDUCT

Activities covered under this Regulation include, but are not limited to, all educational, athletic, cultural and social activities occurring on a campus of or sponsored by the University, housing supplied by the University, and employment practices between the University and its employees.

V. COMPLAINT AND INVESTIGATIVE PROCESS

The Office of Equal Opportunity Programs and Diversity shall administer the policies and procedures outlined in this Regulation. The Office of Equal Opportunity Programs and Diversity shall answer inquiries regarding the procedures contained in this Regulation and may provide informal advice regarding issues of discrimination. Members of the University community are encouraged to report conduct they believe may be prohibited discrimination or harassment (or that left unchecked may rise to the level of prohibited discrimination or harassment) even if they are not sure that the conduct violates this Regulation. The identity of any individual who reports discrimination, harassment, or other personally identifiable information will be kept confidential to the extent possible and permitted by law. In cases where the potential complainant chooses not to file a formal complaint, action will be taken to inform the alleged offender of the concerns, suggesting that the individual monitor and modify (if necessary) his/her behavior.

A. Complaints.

1. A complaint must be made in writing to the Office of Equal Opportunity Programs and Diversity. The complaint shall contain the name of the complainant and state the nature of the act(s) complained of, including such details as the name of the alleged offender, the date(s) or approximate date(s) on which the offending act(s) occurred, the name(s) of any witnesses, and the desired resolution(s).

2. A complaint must be filed within three hundred (300) calendar days of the alleged act(s) of discrimination.

3. The Office of Equal Opportunity Programs and Diversity shall investigate the formal complaint. This investigation may include, but shall not be limited to, interviewing the person complained about regarding the allegations, interview of other persons who may have information relevant to the allegations, preparation of witness statements for all persons interviewed, and review of any relevant documents. Upon completion of the investigation, a report shall be prepared which includes a summary of the complaint, a description of the investigation, the findings, and recommendations.

4. There may be instances in which a potential complainant is unable or unwilling to pursue a complaint of discrimination, but where the University administration is aware of the behavior. In such instances, the Office of Equal Opportunity Programs and Diversity may choose to pursue an investigation of the alleged offense. The decision of whether or not to pursue an administrative complaint will be based on the egregiousness of the alleged offense, the basis for the aggrieved party's decision not to pursue a complaint, and the apparent evidence supporting the allegations. The decision to pursue an administrative complaint shall be made by the director of the Office of Equal Opportunity Programs and Diversity in consultation with the Vice President in charge of the aggrieved party's unit and the Vice President in charge of the alleged offender's unit, in the event that the two parties are in different units. An administrative complaint will follow the same procedures as formal complaints except that no complainant will be named.

5. In the event that a claim of discrimination is found to be frivolous or malicious, appropriate University sanctions shall be taken against the complainant, including disciplinary action where appropriate. Disciplinary action against students shall be taken in accordance with the University's Student Code of Conduct.

B. Conciliation.

The Office of Equal Opportunity Programs and Diversity may attempt conciliation during the course of an investigation of a complaint. If conciliation of the complaint was achieved between the parties in cooperation with the Office of Equal Opportunity Programs and Diversity, and the alleged offender fails to abide by the agreement or retaliates against the complainant, the complainant or supervisor should notify the Office of Equal Opportunity Programs. The Vice President for Human Resources or a designee may then require the complaint to proceed as if conciliation had not been reached.

If conciliation is not achieved, then the Office of Equal Opportunity Programs and Diversity shall continue to investigate the complaint. The investigation by the Office of Equal Opportunity Programs and Diversity will be conducted expeditiously, but in a manner consistent with the complexity and severity of the matter and availability of witnesses. The office will attempt to complete its investigation and recommendation within sixty (60) calendar days of initiation of the formal complaint, if possible.

C. Findings.

The report of the Office of Equal Opportunity Programs and Diversity shall be made known to the Vice President for Human Resources or designee, the complainant, the alleged offender, the immediate supervisor of the alleged offender, and the appropriate Vice President.

D. Review.

1. Either party may seek review of the finding of the Office of Equal Opportunity Programs and Diversity to the Vice President for Human Resources or a designee by filing a request for a review ("appeal") within seven (7) business days of receipt of the Office of Equal Opportunity Programs and Diversity finding. It shall specify the basis of the appeal. The appeal shall be based on one or more of the following: relevant evidence was not reviewed and/or new evidence is available, or the factual evidence was insufficient to support the findings.

2. The appeal shall be in writing, and shall set forth the issues to be considered in the appeal.

3. Copies of the appeal shall be provided to the opposing party and to the Director, Equal Opportunity Programs and Diversity.

4. The opposing party may file a response to the appeal to the Vice President for Human Resources or designee within seven (7) business days of receipt of the appeal.

5. The Vice President for Human Resources or designee shall issue a written finding no more than ~~seventeen (17)~~ ~~business~~ ~~calendar~~ ~~days~~ after receipt of the appeal, or of a response to the appeal, whichever is later.

6. Upon final acceptance by the Vice President for Human Resources or designee of a written finding on the complaint, the Office of Employee and Labor Relations along with the immediate supervisor of the alleged offender shall provide a reasonable resolution to the complaint (e.g., that a student be allowed to change sections, that the employee report to a different supervisor) and may also recommend or take disciplinary action against the alleged offender. The proposed resolution shall be approved by the Office of Equal Opportunity Programs and Diversity. Disciplinary action shall be taken in accordance with the Regulations and policies affecting the class of employee and the terms of any applicable collective bargaining agreement.

VI. Retaliation Prohibited

Retaliation is expressly prohibited by this Regulation, and the University will take immediate and responsive action to any report of Retaliation. No University employee shall retaliate against a complainant or any person involved in the process. Any attempt to penalize a complainant or anyone involved in the process through any form of retaliation shall be treated as a separate allegation of discrimination.

Specific Authority: Board of Governors Regulation 1.001 (5)(a). History-- Formerly FIU-104 (repealed) and FIU-103 (repealed).

This page intentionally left blank

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Academic Policy and Student Affairs Committee
June 6, 2018

Subject: Approval of the repeal of Regulation FIU-2520 Disruptive Student Conduct.

Proposed Committee Action:

Recommend that the Florida International University Board of Trustees repeal Regulation FIU-2520 Disruptive Student Conduct because its provisions have been incorporated into Regulation FIU-2501 Student Code of Conduct giving the students one place to review what constitutes misconduct and the consequences of engaging in misconduct.

Background information:

Florida Board of Governors' regulations 1.001(4)(a)(10) and 6.0105(1) grant university boards of trustees authority to establish a student disciplinary system, including a code of conduct.

Regulation 1.001(4)(a)(10) University Board of Trustees Powers and Duties, states in part as follows: "Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to: ... uniform student code of conduct and related penalties."

Regulation 6.0105(1) Student Conduct and Discipline states, in relevant part, that in furtherance of the educational mission of the universities, each university board of trustees shall establish a student disciplinary system, including a code of conduct.

Supporting Documentation: Regulation FIU-2520 Disruptive Student Conduct

Facilitator/Presenter: Larry Lunsford

This page intentionally left blank

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

NOTICE OF PROPOSED REPEAL OF REGULATION

REGULATION NO.: FIU-2520

REGULATION TITLE: Disruptive Student Conduct

SUMMARY: This Regulation is being repealed and will be incorporated into Regulation FIU-2501 Student Code of Conduct.

TEXT OF REGULATION: The full text of the Proposed Repeal of Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu>. If you would like a copy of the Proposed Repeal of Regulation, please contact Eli Deville, Departmental Administrator, devillee@fiu.edu, Office of the General Counsel, (305) 348-2103.

AUTHORITY: BOG regulation 1.001(4)(a)(10) and 6.0105.

NAME OF PERSON INITIATING PROPOSED REPEAL: Larry Lunsford, Vice President for Student Affairs.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REPEAL OF THE REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

CONTACT PERSON REGARDING THE PROPOSED REPEAL OF THE REGULATION: Eli Deville, Departmental Administrator, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu. Phone: 305-348-2103, Fax: (305) 348-3272.

DATE OF PUBLICATION: May 3, 2018.

THE FULL TEXT OF THE PROPOSED REPEAL OF REGULATION IS PROVIDED BELOW:

~~FIU-2520 Disruptive Student Conduct~~

~~(1) The University is authorized to discipline for misconduct any student who intentionally acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University. Disruptive conduct shall include, but not be limited to, the following:~~

~~(a) Endangerment.~~

- ~~1. Physical violence toward another person or group.~~
- ~~2. Action(s) that endanger the health, safety, or welfare of self or others.~~
- ~~3. Interference with the freedom of another person or group to move about in a lawful manner.~~

~~(b) Personal Abuse.~~

- ~~1. Verbal or written abuse of any person, including, but not limited to, indecent or obscene expressions (which includes postings on the internet) or conduct.~~
- ~~2. Conduct directed at a group or member of the University community which is intended to cause fear, distress, or intimidation and would cause fear, distress, or intimidation to a reasonable person or would place a reasonable person in fear of injury or death.~~
- ~~(c) Hazing. Any group or individual action or activity that inflicts, or intends to inflict, physical or mental harm or discomfort or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of the participant(s).~~

~~(d) Stalking. Activities occurring on more than one occasion that collectively instill fear in the victim and/or threaten his or her safety, mental health, or physical health.~~

~~(e) Sexual Misconduct.~~

- ~~1. Any sexual act that occurs, regardless of personal relationship, without the consent of the other person, or that occurs when the other person is unable to give consent.~~
- ~~2. Conduct of a sexual nature that creates an intimidating, hostile, or offensive campus, educational, or working environment for another person.~~
- ~~3. Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others.~~

~~(f) Weapons, Firearms, Explosives. Possession, storage or use of firearms, explosives, ammunition or other weapons or dangerous articles or substances, including non-lethal weapons such as pellet guns. In accordance with Florida Statutes Section 790.115, students are prohibited from possessing firearms on University property (i.e., land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University) except as provided by Florida Statutes Section 790.25(5). Notwithstanding the foregoing, weapons, including non-functioning antique display weapons, may be used for classroom instructional purposes or other University sanctioned activities (e.g., firearms under the direct supervision of ROTC, a diver's knife for a scuba divers' class) but only with prior approval by the appropriate University Official.~~

~~(g) Drugs.~~

- ~~1. Possession or use of illegal drugs or prescription drugs without a prescription.~~
- ~~2. Distribution, delivery, or sale of illegal drugs, or prescription drugs without a prescription.~~
- ~~3. Possession or use of drug paraphernalia.~~

~~(h) Theft.~~

~~1. Removal or use of the property or services of another person or of the University without prior written consent or authorization.~~

~~2. Possession or sale of property or services of another person or of the University without prior written consent or authorization.~~

~~(i) Interference with, or disruption of, the University's disciplinary process, including, but not limited to, harassment and/or intimidation of any member of the judicial board, witness, or University personnel before, during or after a proceeding, or attempting to coerce or influence any person(s) in order to discourage his or her participation in any disciplinary proceeding.~~

~~(j) Interference with, or disturbance, impairment or disruption of the orderly conduct, processes, and functions within the classroom or laboratory, including interference with the academic mission of the University or individual classroom, or interference with a faculty member or instructor's role in carrying out the normal academic or educational functions of his/her classroom or laboratory.~~

~~(k) Interference with, or disruption, disturbance, or impairment of the rights of other members of the University community.~~

~~(l) Alcohol~~

~~1. Possession, use, or consumption of alcohol when under the legal drinking age as provided by Florida law.~~

~~2. Dispensing, selling or supplying alcoholic beverages to an individual who is under the legal drinking age as provided by Florida law.~~

~~(m) Any similar behavior that disturbs the peace.(2) This regulation shall apply to acts conducted on or off campus when relevant to the orderly conduct, processes and functions of the University.~~

~~Specific Authority Resolution of the Florida Board of Governors dated January 7, 2003. Board of Governors Regulation 6.0105, Law Implemented Board of Governors Regulation 6.0105, History New 10-22-03, Formerly 6C8-11.007, Amended 12-16-08, 4-8-14.~~

This page intentionally left blank

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
ACADEMIC POLICY AND STUDENT AFFAIRS COMMITTEE
JUNE 6, 2018

Subject: Approval of the revisions to the FIU-2501 Student Code of Conduct.

Proposed Committee Action:

Recommend to the Florida International University Board of Trustees the approval of the revisions to the FIU-2501 Student Code of Conduct. The nature of the changes include 1) law-related, 2) process improvements, 3) adoption of best practices, and 4) restructuring for easier use. Below is a brief summary of the significant changes:

- A. Zero tolerance for misconduct that jeopardizes the health, safety and welfare of the University community
- B. The ability for the President and/or Vice President to take action he deems necessary to meet the goals of the Student Code of Conduct including changing the outcome and/or sanctions in certain cases subject to due process. This reinforces the fact that there is zero tolerance for certain misconduct
- C. Created one section for all Title IX/VAWA provisions
- D. Made it clear that any rights and responsibilities afforded to/required of the Charged Student are also given to the Complainant
- E. Added more detail about Title IX investigations including the fact that the investigation report is the only evidence to be used in the Student Conduct Committee hearing
- F. Harmonized the revised Student Conduct Code with the revised FIU-105 Sexual Misconduct (Title IX)
- G. Updated the Hazing section to include more examples of what constitutes hazing
- H. Added language to make it clear that a Student Organization can be charged when students act together to impede an investigation
- I. Added language in the Group Responsibility Section to make it clear when the Student Organization is responsible for the actions of its members

Additionally, based on comments received, this Regulation was revised to specify the process for Presidential Review, comply with section 1004.097, Florida Statutes, and further clarify University expectations of student conduct and sanctions for failing to meet University expectations.

Background information:

Since the Student Code of Conduct's last revision in 2012, there have been a number of statutory and regulatory changes as well as Department of Education guidance updates. The Office of Student Conduct and Conflict Resolution and the Office of the General Counsel have reviewed and revised the previous Code to reflect these changes as well as worked to improve the conduct process and incorporate best practices.

Once approved by the FIU Board of Trustees, this proposed regulation, FIU Regulation 2501, will replace the current regulation.

Florida Board of Governors' regulations 1.001(4)(a)(10) and 6.0105 grant university boards of trustees authority to establish a student disciplinary system, including a code of conduct.

Regulation 1.001(4)(a)(10) University Board of Trustees Powers and Duties, states in part as follows: "Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to: ... uniform student code of conduct and related penalties."

Regulation 6.0105 Student Conduct and Discipline states in part as follows: "In furtherance of the educational mission of the universities, each university board of trustees shall establish a student disciplinary system, including a code of conduct..."

Supporting Documentation:

Proposed revised Student Code of Conduct, FIU Regulation 2501 and a redlined version of the proposed revised Student Code of Conduct

Facilitator/Presenter:

Larry Lunsford, Vice President for Student Affairs

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS
NOTICE OF CHANGE TO PROPOSED AMENDMENT OF REGULATION**

REGULATION TITLE: Student Code of Conduct

REGULATION NO.: FIU-2501

Based on comments received, this Regulation was revised to specify the process for Presidential Review, comply with section 1004.097, Florida Statutes, and further clarify University expectations of student conduct and sanctions for failing to meet University expectations.

TEXT OF REGULATION: The full text of the Amended Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu>. If you would like a copy of the Amended Regulation, please contact Eli Deville, Departmental Administrator, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Florida Board of Governors Regulation 6.0105 Student Conduct and Discipline; Florida Board of Governors Regulation 6.010 Student Affairs Administration; Florida Board of Governors Regulation 1.001(4)(a)(10); and Section 7(d), Article IX, Florida Constitution.

NAME OF PERSON INITIATING PROPOSED REGULATION: Dr. Larry Lunsford, Vice President for Student Affairs.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Eli Deville, Departmental Administrator, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu. Fax: (305) 348-3272. Phone: 305-348-2103.

DATE OF PUBLICATION: May 29, 2018

THE FULL TEXT OF THE PROPOSED AMENDED REGULATION IS PROVIDED BELOW WITH THE CHANGES HIGHLIGHTED IN YELLOW:

FIU-2501 Student Code of Conduct

As an academic community, Florida International University fosters the intellectual exchange of ideas, knowledge, and experience.

The policies, regulations and requirements contained in this Student Code of Conduct may be revised in order to serve the needs of the University Students, faculty and staff, and to respond to changes in the law. The University or the Florida International University Board of Trustees may make changes in policies, regulations and other requirements. It is the responsibility of the University to provide a safe and stimulating environment in which scholarship and personal growth may occur. The desired effect is that Students will take advantage of this environment to develop intellectually as well as to participate as responsible, contributing citizens of our community. Being a contributing Student also comes with responsibility to adhere to the Student Code of Conduct. The ultimate responsibility for knowing University requirements and regulations rests with the Student. For the latest, regardless of institutional or program affiliation. Those charged with and found responsible for violations of the Student Code of Conduct will be subject to appropriate action as outlined herein. For the most current Student Code of Conduct, please refer to the website of the Office of Student Conduct & Conflict Resolution (SCCR) at <http://www2.fiu.edu/~seer/-conduct.fiu.edu>.

STANDARDS OF STUDENT CONDUCT

(1) Student Code The safety and well-being of **Standards**

A University is a learning our community following a tradition more than 1,000 years old. is the University's foremost concern. Florida

International University (the University) is a community dedicated to generating and imparting knowledge through excellent teaching and research, the rigorous and respectful exchange of ideas, and community service.

The University Student Code of Standards and the Statement of Philosophy were developed to embody the values that we hope our students, faculty, staff, administration and alumni will demonstrate. At the same time, the University is strongly committed to freedom of expression. Consequently, the Student Code of Standards and the Statement of Philosophy do not constitute University policy and are not intended to interfere in any way with an individual's academic or personal freedoms. We hope, however, that individuals will respect these common principles thereby contributing to the traditions and scholarly heritage left by those who preceded them making Florida International University a better place has zero tolerance for those who follow.

As a member of the University community, we would hope acts that you would:

Respect the tradition of academic inquiry, the University's rules of conduct, compromise the safety and its mission. Respect the opinions and differences of all well-being of members of the FIU community.

Practice civility and demonstrate conduct that reflects the values of the institution. Respect the rights and property of the University and its members.

Be diligent and honest in your personal and academic endeavors.

(2) — STUDENT CODE OF CONDUCT Statement of Philosophy

As an academic community, Florida International University fosters the intellectual exchange of ideas, knowledge, and experience. University community. It is the responsibility policy of the

University to provide a stimulating environment in which scholarship and personal growth may occur. The desired effect is that Students will take advantageacts of this environment to develop intellectually as well as participate as responsible, contributing citizens of our community.

Statement of Rights and Freedom

Florida International University recognizes the basic rights and freedoms of Students. They are inherent to the educational process and to the intellectual growth of Students. The following rights and freedoms are recognized as basic to the educational process:

Freedom of Expression and Assembly

Students are guaranteed freedom of expression. Students and Student groups may discuss, pass resolutions, write or distribute literature and leaflets, circulate petitions, sponsor speakers and public forums, and take other orderly actions which do not disrupt the essential function of the University and which are consistent with the University's Regulation 110 Demonstrations and Regulation 114 Commercial Solicitation and Advertising.

Freedom of Association

Students are free to form and join University organizations.

Freedom in the Classroom

Students are responsible for learning the content of courses of study, but have the right to take reasoned exception to the data or views offered in the classroom. Students have the right to expect that course descriptions will reflect actual course content, to receive a written syllabus for each course, to be informed of the standards on which evaluation in each course will be based, and to be fairly and justly evaluated based only on performance in the course. Students also have the right to consult with faculty during announced office hours.

Freedom from Improper Disclosure

In accordance with the federal Family Educational Rights and Privacy Act (FERPA) and the Florida Student Records statute, Students shall have access to records maintained on them and be protected from improper disclosures to third parties without their consent. Academic and Student Conduct records will be maintained separately. The procedures for access will be explicitly stated.

Freedom from Discrimination

Students shall not be discriminated against on the basis of race, color, creed, age, sex, sexual orientation, marital status, disability, religion, national origin, or any other legally protected status. Freedom from discrimination includes eligibility to Student Organizations, University activities, academic programs, employment, use of facilities, and housing.

Freedom from Sexual Harassment

Students are entitled to work and study in an atmosphere free from sexual harassment. Harassment constitutes, in the aggregate, the incidents that are sufficiently pervasive or persistent

or severe that a reasonable person would be adversely affected to a degree that interferes with his/her ability to participate in or to realize the intended benefits of a University activity, employment, or resources. Sex-based cyber harassment and sexual and violence are forms of sexual harassment. Sexual will not be tolerated. Any act of intimidation, threat of violence is defined as physical sexual acts perpetrated, or act of violence committed against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or where a victim is unable to give consent due to an intellectual or other disability.

Right to Due Process

Students have members of the University when committed within the right to due process as appropriate for jurisdiction of the Student Code of Conduct situations. This includes Written Notice of hearing, information concerning the charges and allegations against them, the opportunity to present information on their own behalf, and written notice of the decision.

Statement of is prohibited. Any Student Rights and Responsibilities

All Students regardless of institutional or program affiliation are expected to know and adhere to the regulations of the University as well as applicable laws. Those charged with and/or Student Organization found responsible for violations a violation of this standard will may be subject to discipline up to and including expulsion pursuant to the Student Code of Standards and/or the Conduct. Student Code of Conduct (see below) will be subject to Student Conduct action as provided for below. violations in the following list, may lead to suspension or dismissal from the University if a determination of responsibility has been made:

Principles of Group Responsibility

Any Student Organization can be held responsible for its actions or the actions of a collection of its members acting together. It is recognized that occasional misconduct on the part of individual members will not be attributed to and/or be cause to penalize the organization. However, misconduct on the part of the organization may be addressed when one or more of the following circumstances occur:

- a. ~~Members of the organization act together to violate University Policy.~~
- b. ~~A violation arises out of an organization sponsored, financed, or otherwise supported activity.~~
- c. ~~The organization's leadership has knowledge of the incident, behavior, etc., and fails to take corrective or prohibitive action or fails to stop such incident, behavior, etc., while it is occurring.~~
- d. ~~A violation occurs on premises and/or transportation owned, operated, or rented exclusively by the organization.~~
- e. ~~A pattern of individual violations has occurred and/or continues to occur without adequate control, response, or sanction on the part of the organization or its leaders.~~
- f. ~~The organization or related activities provided the context for the violation.~~
- g. ~~The organization chooses to protect from official action one or more individual offenders who are members, former members, or guests of the organization.~~

It is the responsibility of the Student Organization's President or designee to represent the organization through the conduct process.

(3)

Drug distribution and/or sales (Section 5(g)(2))
Endangerment (Section 5(h))
Hazing (Section 5(m))
Sexual misconduct (Section 5(s))
Stalking (Section 5(u))
Weapons (Section 5(z))

This revised Code is effective the first day of classes for 2018 Summer B (i.e., June 18, 2018).

1. DEFINITIONS

- (a) — ~~Advisor~~: Any person chosen by the Charged Student, Charged Student Organization, or the ~~alleged~~ Complainant to assist
a. ~~him/her~~ throughout the Student Conduct process: (e.g., faculty, staff, parent/guardian, attorney, friend, alumni, or any other person who is not a Witness in the process.
- b. (b) — ~~Business Day~~: The: A day when the University is open for regular business operations from 8:00 a.m. up to 5:00 p.m. Eastern Time.; For emailed correspondence, the day of delivery is not included in a designated time period.
(excluding legal holidays).
- (e) — ~~Complainant~~: Any person who submits a charge alleging that a Student violated the Student Code. When a Student believes that s/he has been a victim of another Student's misconduct, that Student will have the same rights under this Student Code as are provided to the Complainant, even if another member of the University Community submitted the charge itself.
- c. (d) — ~~Character Witness Statement~~: A statement relating to the general character and reputation of the person.
- d. ~~Charge~~: The written statement of the alleged violations of the Student Conduct of Code.
- e. ~~Charged Student~~: Any Student who has been ~~formally~~ charged with an alleged violation of the Student Code of Conduct.
- f. (e) — ~~Coercion~~: Conduct, intimidation, and/or express~~ed~~ or implied threats of physical, emotional, financial, or any other type of harm that would reasonably place an individual in fear of immediate or future harm and that is employed to force or compel someone to engage in sexual contact or any other type of involuntary conduct, especially conduct which would endanger or be detrimental to the Complainant. Examples of Coercion include:
 - Causing the deliberate Incapacitation (see below for definition) of another person;
 - Conditioning an academic benefit or employment advantage;
 - Threatening to harm oneself if the other party does not engage in sexual contact; or
 - Threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal or sensitive information if the other party does not engage in the sexual contact or takes actions involuntarily.
- g. ~~Complainant~~: Any individual who may have been the subject of any Sexual Misconduct, Dating or Domestic Partner Violence, and/or stalking by the Charged Student regardless of whether the individual makes a report.
- h. ~~Consent~~: A clear, knowing, and voluntary agreement to engage in specific sexual activity at the time of the activity. Consent can be communicated by words or actions as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. Consent must be ongoing throughout the sexual

activity and can be withdrawn at any time. Sexual contact must cease immediately once withdrawal of consent is clearly communicated.

- Consent must be active, not passive.
- Lack of protest or resistance does not mean consent has been granted, nor does silence mean consent has been granted.
- Within each sexual encounter, there may be separate individual sexual acts involved, and consent to one act and/or person(s) by itself does not constitute consent to another act and/or person(s).
- The existence of a dating relationship between the persons involved, or the fact of past sexual relations, should never, by itself, be assumed to be an indicator of consent for any current or future sexual encounter even in the context of a relationship, there must be mutual consent.
- If coercion or force is used, there is no consent.
- If a person is incapacitated so that the person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This may be affected by conditions due to age, alcohol or drug consumption, unconsciousness, being asleep, physical or developmental disabilities.
- Whether one has taken advantage of a position of influence over another can be a factor in determining whether there was consent.
- In order to give consent, one must be of legal age.
- The question of what the Charged Student should have known as to whether the Complainant was Incapacitated is objectively based on what a reasonable person, sober and/or exercising good judgment, would have known about the condition of the Complainant.

i. **Dating or Domestic Partner Violence:** Any instance of violence or abuse (verbal, physical, or psychological) that occurs between those who are in, or have been in, an intimate relationship with each other.

Final Agency Action-: The written decision resulting from the Student Conduct process

j. which finally determines the rights or obligations of the Charged Student or Student Organization.

~~(f) — **Greek Organization**—A social organization recognized by Campus Life/Office of Sorority & Fraternity Life which is affiliated with a regional, national, or international organization. Additionally, each chapter must be recognized by one of the following: the Interfraternity Council (IFC), Multicultural Greek Council (MGC), National Pan-Hellenic Council (NPHC), or the Panhellenic Council (PC).~~

k. ~~(g) — **Hearing Body**—Any person or persons authorized by the Vice President for Student Affairs, the:~~ Consists of a Hearing Officer or, if a Student Conduct Committee, two (2) students, a faculty/staff member, and a non-voting Hearing Officer.

~~a.l. **Hearing Officer:** The SCCR Director, the Director of Residential Life, or a~~ respective designee(s).

m. ~~(i) — **Impact Statement:** A statement (oral or in writing) that describes how the~~ Complainant or Charged Student, or Student Organization has been impacted by the incident that is the basis for the Charge.

n. **Incapacitation:** Incapacitation is the inability, temporarily or permanently, to give Consent because the individual is mentally and/or physically helpless, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring.

o. **Interim Suspension-:** An immediate temporary (i.e., a limited period of time) separation from the University.

~~(j) — Member of the University Community—~~ Any person who is a ~~currently enrolled~~ Student, faculty or staff, ~~University Official~~, any other person currently employed by the University, or ~~third party~~ working on University Premises:

~~(k) — or within On-Campus or University Premises— Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and Housing (i.e. contractor, vendor), or any participant in a University-sponsored program or activity regardless of the location of the program or activity.~~

~~p. —~~

~~any building or property that is within or reasonably contiguous to that previously described in this paragraph that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (e.g. a food or other retail vendor).~~

~~q. (l) — On-Campus Housing: Such housing owned, controlled, and operated by the University to include, but not limited to, the following: Everglades Hall, Lakeview Halls (North & South), Panther Hall, Parkview Hall, University Apartments, and University Towers. On-Campus Housing also includes Bayview Student Living (BBC), or any fraternity or sorority houses located on University Premises.~~

~~Policy—~~ The written procedures, policies, or regulations of the University (as they may be amended from time to time) as found in, but not limited to, the Florida International University Board of Trustees regulations, the Student Code of Conduct, the Undergraduate/Graduate Catalogs, the Student

~~r. —~~ Handbook, the University Housing Resident Handbook, and ~~the/or~~ Campus Life/Wellness & Recreation Center policies.

~~s. (m) — Preponderance of the Evidence—~~ When the information that is presented supports a finding that it is more likely than not that a violation occurred.

~~(n) — Receipt of Written Notice—~~ When Written Notice (see below for definition) has been sent

~~t. —~~ electronically to the official University email address.

~~u. (o) — Reporting Party: Any person (including the Complainant) who reports an alleged violation of the Student Conduct Code by a Student.~~

~~v. Revenge Porn: To publish a sexually explicit image of a person, including any depiction that contains or conveys the personal identification or information of the depicted person by any electronic, digital or other means, including to an internet website, by text, by email, and/or by or through social media without the depicted person's Consent.~~

~~SCCR Director—~~ The Director of the Office of Student Conduct and Conflict Resolution ~~w. (SCCR) or designee.~~

~~x. (p) — Student—~~ Any person who participates in any course or program of the University, either full-time or part-time, in-person or online, and whether degree-seeking or non-degree seeking. - Persons who withdraw after allegedly violating the Student Code of Conduct, persons who are not officially enrolled at the University for a particular term but who have a continuing relationship with the University, persons who have been notified of being accepted for admission, and persons who are living in the residence halls but are not enrolled at the University are also considered Students. ~~Student Organizations and Greek Organizations are also considered Students.~~

~~y. (q) — Student Organization—~~ A Student group ~~of currently enrolled University students who unite~~ that is officially registered or recognized by the University, including, but not limited to ~~promote a common interest. Any group of Students organized for a specific~~

~~purpose (e.g., political groups, social groups, honor & professional, honorary) whose membership consists solely of societies, fraternities & sororities, and sport clubs.~~

~~z. **Title IX Coordinator:** The individual University Students. Student Organizations includes Student clubs, official with the primary responsibility for coordinating the University's compliance with Title IX. The Deputy Title IX Coordinator is an individual(s) designated by the Title IX Coordinator to support the Title IX Coordinator with respect to the University's efforts to comply with Title IX.~~

~~University recognized Student Organizations, Student Organizations that have not been recognized by the University, and Student sports clubs.~~

~~aa. (r) — **University** : Florida International University.~~

~~bb. (s) — **University Official** : Any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities (e.g., faculty, staff, administrators, residence hall staff, FIU Police).~~
~~administrators, residence hall staff, FIU Police, etc.).~~

~~(t) — **Vice President** The Vice President for Student Affairs or designee(s).~~

~~cc. (u) — **University Premises:** Any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to that previously described in this paragraph that is owned by the University, but that is controlled by another person, is frequently used by students, and supports University purposes (e.g., a food or other retail vendor). This definition is designed to conform to the Clery Act definition which can be amended from time to time.~~

~~dd. **Witness:** A person(s) who has factual knowledge about the incident which forms the basis of the Charge.~~

~~ee. **Written Notice** : A notification of the charges against the Charged Student sent via email to the Charged Student's official University email address. -A notification to a **Greek or** Student Organization sent via email to the official University email address of the organization's Student Organization's President. This method of notification will constitute full and adequate notice under the Student Code of Conduct. The SCCR Director retains the discretion to send duplicate notices via letter by other means (e.g., overnight or hand delivery).~~

(4)2. JURISDICTION

~~(a) — Jurisdiction under the Student Code of Conduct applies to the conduct of any Student, Greek Organization, or Student Organization that occurs on University Premises, at University related activities, on all locations where a University course or program is being conducted, including foreign locations, such as study abroad programs, and/or off-campus conduct that adversely affects the University community and/or the pursuit of its objectives.~~

~~(b) — Each Student shall be responsible for his/her/their conduct from the time that he/she has been notified of admission through the actual awarding of a degree, including even though the conduct may occur before classes begin or after classes end, grades post. Each non-degree seeking Student shall be responsible for his/her conduct from the time that he/she has been notified of admission and while enrolled in classes even if the conduct occurs before or after classes. Each Student (including non-degree seeking) is responsible for his/her/their conduct during the academic year and during periods between terms of actual enrollment. The~~

a. Student Code of Conduct shall apply to a Student's conduct even if the Student withdraws from the ~~school~~University, while a Student Conduct matter is pending, or if the conduct is not discovered until after a Student has withdrawn or a degree has been awarded.

b. ~~(e)~~—Jurisdiction under the Student Code of Conduct applies to the conduct of any Student or Student Organization that occurs on University Premises or On-Campus Housing, at University-related activities/events, on all locations where a University course, program, or activity is being conducted, including foreign locations, such as study abroad programs.

c. The University reserves the right to impose discipline based on off-campus conduct. ~~For example, discipline~~Discipline for off-campus conduct may be ~~imposed~~pursued under the Code if:

- ~~(i)~~—The off-campus conduct is specifically prohibited by law or the Student Code of Conduct;
- ~~(ii)~~—The off-campus conduct demonstrates that the continued presence of the Student

- on campus presents a danger to the health, safety, or welfare of the University community, is disruptive to the orderly conduct, processes and functions of the University, is contrary to the University's mission, or is intimidating or threatening to the University community or member of the University community; or
- (iii) — The off-campus conduct is of such a serious nature that it adversely affects ~~has continuing adverse effects on~~ the campus.

~~Student's suitability to remain a part of the University community.~~

(d) — ~~The action of the University with respect to off-campus conduct shall be taken independently of any off-campus authority or proceeding.~~ The University Student Conduct proceeding is

~~not a criminal or judicial proceeding and.~~ It is designed to address the Charged Student's behavior, whether on or off-campus; therefore,

~~alleged violations of the University's Student~~ Code of Conduct will be addressed independently of any criminal or

- d. ~~judicial proceeding and regardless of whether the criminal charges have been dismissed or reduced.~~ to a lesser offense.

(5)3. AUTHORITY

(a) — The Board of Trustees of Florida International University has been charged with the

responsibility of, and authority for, providing a Student ~~misconduct~~ conduct system.

Authority for ~~the Student misconduct discipline and the Student conduct~~ system rests with the University President, ~~who has delegated.~~ Although the University President holds the ultimate authority for Student discipline, this authority is delegated to the Vice President.

(b) — ~~Hearing Bodies are authorized by the Vice President to conduct for~~ Student Conduct hearings.

(c) — ~~All Hearing Bodies have~~ Affairs, who is responsible for implementing the Student disciplinary system. The Vice President for Student Affairs ~~delegates~~ authority ~~to consult with other appropriate University~~

~~Officials in order to effectively resolve a Student Conduct matter.~~

- a. (d) — ~~Any specific procedures used by Hearing Bodies will comply with~~ for the requirements execution and implementation of this the Student Code of Conduct to the SCCR Director.

(e) — ~~Decisions of all Hearing Bodies constitute Final Agency Action unless there is a timely~~

- b. ~~appeal.~~ The requirements and procedures in the Student Code of Conduct may be revised. Those revisions may occur in order to serve the needs of the University Students, faculty and/or staff where safety and security issues so demand. In addition, those revisions may occur in circumstances where, in the University's sole discretion, the requirements and procedures described herein are deemed insufficient to meet the objectives of educating and protecting the members of the University community and/or to respond to changes in the law. Nothing in this Code shall be construed as preventing the University President and/or Vice President for Student Affairs from taking any action which may be deemed necessary to meet the goals of this Code. In matters involving charges for drug distribution and/or sales (Section 5(g)(2)), endangerment (Section 5(h)), hazing (Section 5(m)), sexual misconduct (Section 5(s)), stalking (Section 5(v)), and weapons (Section 5(z)) the President and/or Vice President for Student Affairs may change the outcome and/or sanctions to fulfill requirements of the Code as outlined in Section 16, subject to due process (i.e., notice and an opportunity to be heard), and prior to the conclusion of the matter.

- c. The Hearing Body is authorized by the Vice President for Student Affairs or designee to conduct Student Conduct hearings as set forth in this Code.
- d. Decisions of the Hearing Body constitute Final Agency Action unless there is a timely appeal. If a decision is timely appealed, the decision of the appellate body constitutes Final Agency Action.

Action:

- e. ~~(f)~~ — The Hearing ~~Bodies~~Body is authorized to conduct Student Conduct hearings ~~are~~ as follows:
 - 1. — The Office of SCCR Director may conduct ~~both informal~~Summary Resolutions, Administrative Hearings and ~~formal hearings.~~
 - 1. 2. — The University Student Conduct Committee ~~may conduct formal~~hearingsHearings as set forth in this Code.
 - 3. — The Department of Residential Life ~~Hearing Officer~~ may conduct both ~~informal~~Summary Resolutions and ~~formal hearings~~Administrative Hearings regarding cases arising in University On-Campus Housing ~~and~~. The Department of Residential Life. ~~If the alleged offense may~~
 - 2. ~~result in a sanction of deferred suspension or greater, the Charged~~ is not authorized to conduct Student will Conduct Committee hearings. Department of Residential Life cases may be referred to the SCCR.
 - 4. — The Hearing Officer for the Student Government Association (SGA) and all other governing councils within Campus Life may conduct informal or formal hearings regarding cases of
 - the Campus Life council's alleged violation of the SGA

4. AMNESTY

The University encourages Students to seek medical assistance and/or report sexual misconduct, but it recognizes that Students may be hesitant to make a call or report when they:

- a. Need medical assistance due to their own use of alcohol/drugs,
- b. Witness another student who needs medical assistance and they themselves have used alcohol/drugs, and/or
- c. Want to report sexual misconduct but they themselves (or Witnesses they identify) may have used alcohol/drugs.

Therefore, Students involved in the incident will not be charged with the possession or consumption of alcohol/drugs if they call for assistance for themselves, ~~and/or~~ others who have participated in or witnessed the incident, or they file a report and their conduct did not threaten the health or safety of any other individual ~~council~~ constitutions. Amnesty will be granted only one (1) time for a Student. Other charges related to the incident (e.g., alcohol distribution, drug distribution, or other non-alcohol/drug charges) may be determined at the discretion of the SCCR Director. Amnesty is not granted to Student Organizations.

(6) — OFFENSES

The following offenses5. PROHIBITED CONDUCT

The following conduct is prohibited by this Code. It is a violation of this Code for any Student or Student Organization to engage in behavior that aids, attempts, assists, promotes, condones, encourages, induces, requires, conceals, or facilitates any act prohibited by this Code. Allowing, permitting, or providing an opportunity for a guest to violate University policy is also prohibited. These violations are included in each section below and need not be cited separately. Lack of familiarity with University policy is not a defense to a violation of this Code. Unless specifically noted, intent is not a required element to establish a policy violation. Additionally,

intoxication or impairment caused by use or consumption of alcohol, drugs, or other substances is not a defense to a violation of this Code.

The following prohibited conduct or any attempt to violate these offenses will be used in charging all

Students, or Student Organizations or Greek Organizations. - Nothing in this section shall be interpreted to abridge the right of any member of the University community ~~to~~of freedom of expression protected by the First Amendment of the United States Constitution and/or any other applicable law.

~~First Amendment of the United States Constitution and any other applicable law.~~

~~(a)~~ —

a. Alcohol

Students who choose to drink will be held fully responsible for their behavior while under the

influence of alcohol. Loss of control due to intoxication does not excuse or justify a violation of the state law, University Policy, or the rights of others.

~~1.~~ —

1. Possession, use and/or consumption of alcohol when under the legal drinking age as provided by Florida Law.

2. ~~2.~~ Dispensing, selling or supplying alcoholic beverages to an individual who is under the legal drinking age as provided by Florida Law.

3. ~~3.~~ Any violations of Florida International University ~~Policies~~Policy governing alcohol usage. -See, ~~e.g.~~, FIU-Regulation 2505 Alcoholic Beverages.

4. ~~4.~~ Use and/or possession of beer kegs and party balls or other common sources of alcohol ~~in On~~.

~~Campus housing facilities.~~

5. ~~5.~~ Possession of open containers of alcohol or consumption of alcoholic beverages in public areas, such as balconies, courtyards or hallways.

6. ~~6.~~ Public intoxication (~~i.e.g.~~, appearing in a state of intoxication) and/or excessive drinking.

~~7. Violating any other University Policy while under the influence of alcohol.~~

~~8. Misrepresenting or misstating one's age; using altered identification in order to obtain alcohol when the Student is under the legal drinking age.~~

7. ~~9.~~ Use and/or possession of devices designed for the rapid or excessive consumption of alcohol, including, but not limited to, funnels, ice luges, and beer bongs.

8. ~~10.~~ Hosting or sponsoring a gathering where underage individuals are drinking alcohol.

9. ~~Unlawful~~ ~~11.~~ ~~Unlawfully~~ manufacture, trade, and/or intent to sell alcohol.

10. ~~12.~~ Reporting to classes, work, or related assignments “under the influence” of alcohol.

11. Violating any other University Policy while under the influence of alcohol.

b. Animals

The University allows individuals to bring animals on University Premises in accordance with federal laws. A service animal is permitted on campus grounds and within University buildings, including the University housing assignment provided to an individual with a disability. An emotional support animal is permitted on campus to accompany an individual

into his or her University assigned residence in accordance with the U.S. Department of Housing and Urban Development.

1. Failing to obtain approval from Housing and the Disability Resource Center (DRC) for the Student's emotional support animal (as defined by federal law) in a residence hall.
2. Having an approved emotional support animal beyond authorized areas (i.e., within the residence halls and immediate access to outdoor areas).
3. Failing to register the Student's service animal (as defined by federal law) with the DRC if the Student resides on campus.
4. Failing to properly control the service animal and/or emotional support animal such that the animal is disruptive, is not housebroken, or poses a safety or health concern.
5. Bringing pet dogs, cats, or other animals (except non-dangerous fish) to campus or being in possession of stray animals.

~~**Bribery**The University recognizes that Students may need medical assistance due to excessive use of alcohol but may hesitate to seek assistance because they themselves or others who may have participated or witnessed the event may be charged with violations of this Code. The University does not want to discourage Students from seeking medical assistance. Therefore, Students involved in the event may not be charged with the possession or consumption of alcohol if one of them calls for assistance for themselves or others who have participated or witnessed the event. Other charges related to the incident (e.g., alcohol distribution, or other non-alcohol charges) may be pursued at the discretion of the SCCR Director.~~

c. (b) —

1. Knowingly making an offer, gift, receipt, or solicitation of money, materials, goods, services or anything of value for the Student or others for the purpose of procuring or providing an advantage to which they are not otherwise legally entitled.

d. Computer Misuse

1. —Unauthorized access, entry or use of a computer, computer system, network, software,
1. password, account or data.
2. 2.—Unauthorized alteration or degradation of computer equipment, software, network, data or system performance.
3. 3.—Unauthorized copying or distribution of computer software or data.
4. —Unauthorized use, **taking, or theft** of University computer resources for commercial purposes or personal financial or other gain. This includes, but is not limited to, advertising a product or service on personal web pages, fund-raising or advertising on behalf of unsanctioned non-University organizations, publicizing of unsanctioned non-University activities, ~~the reselling~~resale of University resources to any non-
4. University individuals or organizations, and the unauthorized use of the University's name or logos. Use of the University's network for any of these purposes, even if the user is using ~~his/her~~their own personal computer, constitutes an offense.
5. 5.—Allowing another person to use ~~one's~~one's FIU username and password.
6. 6.—Any other violation of the University computer use and web page policies. —The complete policies are available at <http://security.fiu.edu/training/training3.htm>. ~~(http://security.fiu.edu/policies.~~ The website also contains the civil and criminal penalties for distributing, without authority, copyrighted materials (including

unauthorized peer-to-peer file sharing) and the penalties for violating federal copyright law.

~~7.~~ Unauthorized distribution or downloading of copyrighted materials, including but not limited to, unauthorized peer-to-peer file sharing. ~~Unauthorized distribution~~ This is a violation whether the user is using ~~his/her~~ their own personal computer or the University's information technology system for the unauthorized ~~7.~~ distributions.

~~(e)~~

e. Dating or Domestic Partner Violence

1. Physical Violence or Abuse:

- i. Occurs when one intentionally or recklessly (1) causes bodily harm to another person; (2) attempts to cause bodily harm to another person; or (3) puts another in fear of imminent bodily harm. No Student may knowingly or recklessly touch any other person without that person's consent. Punching, slapping, scratching, or otherwise striking any person, including a Dating or Domestic Partner, with any part of one's body or with any object constitutes physical violence.
- ii. Occurs when there is a pattern of engaging in physical violence or abuse as described above.

2. Psychological Abuse:

- i. Occurs when ~~a Student~~ one intimidates, dominates, terrorizes, humiliates, or isolates any other person, especially a Dating or Domestic Partner.
- ii. Occurs when there is a pattern of engaging in psychological abuse as described above.

3. Verbal Abuse:

- i. Occurs when ~~a Student~~ one uses extreme or excessive language that is in the form of insults, name-calling, or criticism, designed to mock, shame, or humiliate another person, especially a Dating or Domestic Partner. Verbal behavior must be: (1) objectively endangering and (2) sufficiently severe, persistent, or pervasive to constitute verbal abuse. Singular statements and isolated incidents may fall short of this sufficiency standard.
- ii. Occurs when there is a pattern of engaging in verbal abuse as described above.

f. Disruptive Conduct

- ~~1.~~ Behavior that substantially and materially disrupts, disturbs, impairs, interferes with or
1. obstructs the orderly conduct, processes, and functions of the University or the rights of other Members of the University ~~Community~~ community.
- ~~2.~~ Behavior that substantially and materially disrupts, disturbs, impairs, interferes with or obstructs the orderly conduct, processes, and functions of the classroom, or laboratory and/or immediate surrounding areas. This includes interfering with the academic mission of the University or individual
2. classroom or interfering with a faculty member or instructor's role to carry out the normal academic or educational functions of their classroom laboratory and/or immediate surrounding areas.
- ~~3.~~ ~~Behavior that substantially and materially disrupts, disturbs, impairs, interferes with or obstructs the University Student Conduct process, including, but not limited to,~~

harassment and/or intimidation of any member of the Student Conduct Committee, ~~witness~~ Witness or University personnel before, during or after a proceeding, or attempting to coerce or influence any person(s) in order to discourage their participation in any Student Conduct proceeding.

~~4.~~ 4.—Any behavior that substantially and materially disturbs the peace.

~~g.~~ (d) — **Drugs**

~~1.~~ 1.—Students who choose to use illegal drugs or use prescription drugs without a prescription will be held fully responsible for their behavior while under the influence. Loss of control due to being under the influence does not excuse or justify a violation of the state law, University Policy, or the rights of others.

Possession, use, the manufacture, creation and/or the cultivation of illegal drugs or prescription drugs without a prescription. ~~Inhaling~~Inhalable or ~~ingesting~~ingestible substances (e.g., nitrous oxide, glue, paint, ~~etc.~~) that will

~~1.~~ 1. alter a Student's mental state ~~is also prohibited.~~

~~2.~~ 2. ~~Distribution, dispensation, delivery~~ Distribute, dispense, deliver, trade, ~~sale, or intent to sell illegal and/or attempt to sell~~ drugs or prescription drugs.

~~3.~~ 3. ~~Possession~~ In possession and/or use of drug paraphernalia (including, but not limited, to bongos, pipes,

~~3.~~ 3. "hookahs," spoofs, rolling papers, blunts, small plastic baggies, ~~etc.~~).

~~4.~~ 4.—Misuse and/or abuse ~~of~~ prescription drugs.

~~The University recognizes that Students may need medical assistance due to excessive use of drugs but may hesitate to seek assistance because they themselves or others who may have participated or witnessed the event may be charged with violations of this Code. The University does not want to discourage Students from seeking medical assistance. Therefore, Students involved in the event may not be charged with the possession or use of drugs if one of them calls for assistance for themselves or others who may have participated or witnessed the event. Other charges related to the incident (e.g., drug distribution, or other non-alcohol charges) may be pursued at the discretion of the SCCR Director.~~

~~h.~~ (e) — **Endangerment**

~~1.~~ 1.—Physical violence toward another person or group.

~~1.~~ 2. ~~Action~~ Occurs when one intentionally or recklessly (1) causes bodily harm to another person; (2) attempts to cause bodily harm to another person; or (3) puts another in fear of imminent bodily harm. No Student may knowingly or recklessly touch any other person without that person's consent. Punching, slapping, scratching, or otherwise striking any person with any part of one's body or with any object constitutes physical violence.

~~2.~~ 2. Engage in any action(s) that ~~endanger~~endangers the health, safety, or welfare of ~~self or~~ others.

~~i.~~ (f) — **Failure to Comply**

~~1.~~ 1.—Failure to comply with a request or directive of a University Official or non-University law enforcement official in the performance of ~~his/her~~ their duty.

~~2.~~ 2. Taking action, individually or working with others, which the Student(s) knew or should have known would impede an investigation by the University into possible

violations of the Student Code of Conduct committed by a Student and/or Student Organization.

3. Failure to comply with the final decision and sanctions rendered by a Student Conduct hearing or appellate body.

4. ~~3.~~ Failure to comply ~~with a request by~~when a University ~~official~~Official requests to identify oneself and/or produce FIU identification.

j. ~~(g)~~ — Falsification/Fraudulent Activity/False Testimony

1. ~~1.~~ Withholding relevant information from any Hearing Body, University Officials,

1. ~~University and/or~~ non-University law enforcement officers, faculty ~~and~~/or staff.

2. ~~2.~~ Providing false or misleading information (whether oral or written) to any Hearing Body, University Officials, ~~University and/or~~ non-University law enforcement officers, faculty ~~and~~/or staff. A good-faith report of prohibited conduct does not constitute a Code violation.

3. ~~3.~~ Misuse, reproduction, alteration or forgery of any identification, documents, keys or property.

4. ~~4.~~ Permitting another person to use one's identification information.

5. ~~5.~~ ~~Inappropriate use~~Misuse or possession of false identification information.

6. ~~6.~~ Purporting to act on behalf of another person, group or the University without authorization or prior consent.

7. ~~7.~~ Providing a worthless check, money order or using a fraudulent credit card or a credit

7. card without authorization.

8. ~~8.~~ Any other acts of falsification/fraud/false testimony or misrepresentation.

k. ~~(h)~~ — Fire and Safety

1. ~~1.~~ Inappropriate activation of any emergency warning equipment or the false reporting of

1. any emergency.

2. ~~2.~~ Removing, damaging, interfering ~~and~~/or tampering with fire safety or other emergency warning equipment, including smoke detectors, sprinklers, ~~and/or~~ fire alarms. Items may not be hung from or block sprinklers or smoke detectors.

~~or block sprinklers or smoke detectors.~~

3. ~~3.~~ Failure to evacuate ~~a~~ University ~~building, facility~~Premises or On-Campus ~~housing~~Housing facility/unit when a fire alarm is ~~sounded~~activated.

4. ~~4.~~ ~~Action~~Engaging in action(s) which cause or attempts to cause the release of chemicals or substances that can cause harm to another person's health or would start a fire or explosion.

l. Gambling(i) —

1. Soliciting, placing or accepting a bet on any high school, intercollegiate or professional athletic contest on University Premises, ~~or~~ On-Campus Housing, ~~or~~ at a University or Student Organization-sponsored activity or event.

2. Soliciting, facilitating or participating in any illegal gambling, bookmaking or illegal betting whether through a bookmaker, a parlay card, a pool or any other method of organized gambling on University Premises, ~~or~~ On-Campus Housing, ~~or~~ at a University or Student Organization-sponsored activity or event.

m. Hazing

1. Any group or individual action or activity that inflicts or intends to inflict physical or mental harm or otherwise endanger or discomfort ~~or~~ which may demean, disgrace, ~~and/or~~ degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is typically related to a person's initiation or admission into, or affiliation with, a Student ~~or Greek~~ Organization, athletic team (intramural, club or intercollegiate), extracurricular activity, or any other University group or organization, it is not necessary

1. to have direct proof that a person's initiation or continued membership is contingent upon participation in the activity for a charge of hazing to be upheld. The actions of ~~either~~ active, prospective, or associate members (pledges) of ~~an organization~~ a Student Organization may be considered hazing. Hazing includes, but is not limited to:

- i. ☐ Interference with a Student's academic performance;
- ii. ☐ Forced consumption of any food, alcohol, controlled substances, drugs, or any other substance;
- iii. ☐ Forced physical activity (e.g., calisthenics, line-ups, walking or marching in formation);
- iv. ☐ Deprivation of food, water or sleep;
- ☐ ~~Kidnapping, including restricting a person to move about in free and lawful manner~~
- v. ☐ ~~Not permitting individuals to speak for extended periods of time and/or forced exclusion from social contact;~~
- vi. ~~Engaging in activities which involve compelling an individual or group of individuals to remain at a certain location or transporting anyone anywhere within or outside the University (e.g., road trips, kidnaps, drops);~~
- vii. ~~Physical or mental abuse of any nature, including physical discomfort;~~
- viii. ☐ ~~Sexual misconduct of any nature;~~
- ix. ~~Theft, defacement or destruction of private or public property;~~
- x. ~~Performing personal chores or errands;~~
- xi. ☐ ~~Verbal abuse or degradation, including yelling or demands;~~
- xii. ☐ ~~Assigning or endorsing pranks (e.g., stealing, harassing other organizations, defacing property, etc.);~~
- xiii. ☐ ~~Conducting activities between the hours of 12:00 midnight and 7:00am, or waking individuals during these hours;~~
- xiv. ~~Conducting activities designed to deceive or convince a member that they will not be initiated or that they will be hurt;~~
- xv. Conducting Compelling ~~scavenger hunts, treasure hunts, quests, road trips, big brother/little brother hunts, big sister/little sister hunts;~~
- xvi. Any action or threatened action that would subject the individual to embarrassment, humiliation or mental distress, including the use of demeaning names; or
- xvii. ☐ Any other acts or attempted acts which would constitute hazing pursuant to Section 1006.63 of the Florida Statutes.

n. Motorcycles, Bicycles, Pocket Bikes, Rollerblades, or Skateboards

(j) Littering

1. ~~Dispersing litter in any form on University grounds or facilities, including, but is not limited to, cigarette butts, flyers, cans, bottles, etc.~~

1. ~~(k)~~ Failure to comply with FIU Regulation 115 Skateboards, Skates, Scooters, Ripstiks, Hoverboards and other similar devices and high-risk activities on University Premises or in On-Campus Housing.

o. On-Campus Housing Violations

1. Violation(s) of any Department of Housing and Residential Life published in hard copy or available electronically via the Department of Housing and Residence Life website <https://studentaffairs.fiu.edu/campus-services/housing-and-residential-life/policies/index.php>.

p. Personal Abuse

1. ~~Verbal or written abuse, threats, intimidation, and/or coercion~~ Coercion that ~~objectively~~ endangers
1. the health, safety, or well-being of others. ~~Fighting~~ Using fighting words ~~and~~ or statements which reasonably endanger the health and safety of any person that are not protected speech ~~and~~ may result in University action. This definition shall not be interpreted to abridge the right of any member of the University community to freedom of expression protected by the First Amendment of the United States Constitution and or any other applicable law.
2. ~~2.~~ Conduct directed at any person, including a Member of the University ~~Community~~ community, which is intended to, or would reasonably, cause fear, distress, ~~or intimidation and would cause fear, distress, or injury or~~ intimidation to a ~~reasonable~~ person, or would place a reasonable person in fear of injury or death.
3. Conduct that is sufficiently severe, pervasive, or persistent (when viewed both from a reasonable person in similar circumstances and the person in question) that a reasonable person would be adversely affected to a degree that interferes with or limits a his/her/their ability to participate in or benefit from the services, activities, or opportunities offered by the University school when such conduct is based on race, color, religion, ethnicity, national origin, gender, disability, age, marital status, gender, gender identity, gender expression, pregnancy, genetic information, veteran status or any status group/class protected by federal or Florida
3. law sufficiently severe, pervasive or persistent (when viewed both from a reasonable person in similar circumstances and the person in question) that a person would be adversely affected to a degree that interferes with or limits their ability to participate in or benefit from the services, activities or opportunities offered by the University.
4. ~~4.~~ Interference with the freedom of another person or group to move about in a lawful manner.

manner:

1. Notice of the charge(s), including specific code section(s) which

~~(H)~~

~~a. Q. Motorcycles, Bicycles, Pocket Bikes, Rollerblades, or Skateboards~~

~~1. The use or operation of motorcycles, bicycles, pocket bikes, rollerblades, skateboards, etc. inside of any On-Campus Premises such that they create safety hazards or are secured to non-authorized locations.~~

~~2. The use of pocket bikes on sidewalks or roadways such that they create safety hazards or are secured to non-authorized locations.~~

~~(m)~~ **Promotions/Posting**

~~1. 1. Solicitation of commercial speech (i.e.g., passing or handing out flyers/promotional material, etc.) On Campus) on campus, including On-Campus housingHousing facilities, without prior approval from the appropriate University Officials. This includes, but is not limited to, the disbursementdistribution of any forms of promotional/informational commercial speech material on University Premises or On-Campus Housing or objects (e.g., motor vehicles) on University Premises or On-Campus Housing.~~
~~on University Premises or objects (e.g., motor vehicles) on University Premises.~~

~~2. Posting of flyers, posters, banners, cards or any promotional/informational material on~~

~~2. University Premises or On-Campus PremisesHousing, including, but not limited to, the exterior and interior of On-Campus housingHousing facilities, buildings, trees, walls, sidewalks, vehicles, windows, stairwells, stairs, display cases, vending machines, doors, classrooms, departmental and unauthorized bulletin boards, railings, elevators, bathrooms, art/sculptures and/or sculptures without prior approval from the appropriate University Officials.~~

~~3. Use of chalk and/or powder like substance on the sidewalks, grass, exterior or interior of any University facilityPremises or On-Campus Housing, or any public area without prior approval from the appropriate University Officials.~~

~~4. Use of "A frame" signs or free standing signs in public areas, sidewalks, grass, exterior of any University Premises or On-Campus Housing without prior approval from the appropriate University Officials.~~

~~University facility without prior approval from the appropriate University Officials.~~

~~(n)~~

r. Retaliation

~~1. Acts or words taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Protected activity includes an individual's good faith~~

~~—(i) Participation in the reporting, investigation, and/or resolution of an alleged violation of this Code; and/or~~

~~•~~

~~• (ii) Opposition to policies, practices and/or actions that the individual reasonably believes are in violation of the Code. Retaliation may include intimidation, threats, coercion, physical harm and/or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the Charged Student, the Complainant, the Reporting Party or any other individual or group of individuals.~~

1. Notice of the charge(s), including specific code section(s) which

s. Sexual Misconduct

1. ~~Non-consensual sexual contact which is any sexual touching with any object by any person upon another without consent. Sexual touching is contact of a sexual nature, however slight.~~

2. ~~Sexual misconduct involves failure to comply with FIU Regulation 105 Sexual Misconduct (Title IX) and includes:~~

1. **Non-Consensual Sexual Touching** – any sexual touching without Consent. Sexual touching is any intentional touching of a person's body, including the breasts, buttocks, groin, genitals or other intimate parts. Touching may be over or under clothing and may include the Charged Student touching the Complainant, the Charged Student making the Complainant touch the Charged Student or another person, or the Charged Student making the Complainant touch the Complainant's own body.

2. **Obscene or indecent behavior**, which includes, but is not limited to, exposure **Indecent Behavior**

i. Exposure of one's sexual organs or the display of sexual behavior that would reasonably be ~~offensive~~ obscene or indecent to others. -Other forms of obscene or indecent behavior include sexual exhibitionism, engaging in prostitution or the facilitation or solicitation of a prostitute, prostitute, peeping or other voyeurism (video or otherwise), and going beyond the boundaries of consent, e.g., by allowing others to view consensual sex or the nonconsensual video or audio taping of sexual activity.

3. ~~Sexual harassment constitutes, in the aggregate, incidents that are sufficiently pervasive, persistent, or severe that a reasonable person would be adversely affected to a degree that interferes with~~

~~his/her ability to participate in or to realize the intended benefits of a University activity, employment, or resources. Sex-based cyber harassment and sexual violence also constitutes sexual harassment. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the usage of drugs or alcohol or intellectual or other disability. Sexual violence~~

ii. includes rape, sexual assault, sexual battery, and ~~Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved.~~

iii. Recording, photographing, transmitting, showing, viewing, streaming or distributing intimate or sexual images, audio recordings or sexual information of another person in any form without the knowledge and Consent of all parties involved.

iv. Publishing a sexually explicit image of a person that contains or conveys the personal identification or information of the depicted person to an internet website, text, email and/or social media without the depicted person's Consent.

3. **Sexual Harassment** – any unwelcome sexual advance, request for sexual favors and/or other verbal or physical conduct of a sexual nature:

i. Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of a person's instruction, academic standing or

1. Notice of the charge(s), including specific code section(s) which participation in any University program, activity or benefit;
- ii. Submission to, or rejection of, such conduct by an individual is used as a basis for academic or work evaluation;
- iii. Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent or pervasive that it unreasonably interferes with, limits or deprives an individual from participating in or benefiting from the University's educational and/or campus-residential experience when viewed both from a reasonable person in similar circumstances and the person in question.
- 4. Gender-based Harassment** – is any harassment based on gender, sexual orientation, gender identity or gender expression, including acts of aggression, intimidation or hostility, whether verbal or non-verbal, graphic, physical or otherwise, even if the acts do not involve contact of a sexual coercion. – nature.
- 5. Sexual coercion** is defined as **Coercion** – the act of using pressure or force to have sexual contact with someone who has already refused.
- 6. Sexual Assault** – the threat to commit sexual battery with the immediate capacity to do so. – Sexual assault constitutes the non-consensual sexual intercourse which is
- 7. Sexual Battery** – any sexual intercourse by any person upon another without consent. – It
Consent. Sexual intercourse includes oral, anal and vaginal or anal penetration, however slight, by a person's penis, finger, other body part or an object, or any oral-genital contact (regardless of whether it involves penetration).
– Sexual Assault – the threat to commit sexual battery with any object the immediate capacity to do so.

Consent means informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. 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. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct. Intoxication is not an excuse for failure to obtain consent. A person incapacitated by alcohol or drug consumption, or who is unconscious or asleep or otherwise physically impaired, is incapable of giving consent.

4. — Retaliation against or harassment of someone alleging sexual misconduct or otherwise obstructing the reporting of sexual misconduct or the participation in proceedings relating to sexual misconduct.

The University recognizes that Students may be hesitant to report sexual misconduct because they themselves (or witnesses they identify) may be charged with violations of other provisions of the Code (e.g., alcohol or drugs). The University may not pursue a disciplinary action for an alcohol or drug violation against a Charged Student, the Complainant, or any Student(s) who may have witnessed the incident.

1. ~~Notice of the charge(s), including specific code section(s) which~~

t. Smoking and Use of Tobacco-Related Products

1. ~~1.~~ Failure to comply with FIU Regulation 113 Smoke and Tobacco-Free Campus by smoking in or on any University Premises or On-Campus Housing. "Smoking means possession of a lighted cigarette, cigar, pipe, water pipe or hookah, or the use of an electronic cigarette, cigar, pipe, vape or any other device intended to simulate smoked tobacco.
2. Use of smokeless tobacco, snuff, chewing tobacco, smokeless pouches and any other form of loose-leaf or smokeless tobacco.

u. Stalking

(p) ~~Stalking~~

1. ~~Activities occurring on more than one occasion that collectively instill fear in an individual and/or threaten his/her safety, mental health, or physical health, including, but not limited to, the following:~~
 - ~~• Nonconsensual communication, including face to face, telephone calls, voice messages, electronic communication media, written letters/notes, unwanted gifts, etc.~~
 - ~~• Making threatening or obscene gestures to an individual~~
 - ~~• Pursuing or following an individual Complainant~~
 - ~~• Surveillance or other types of observation of an individual~~
 - ~~• Trespassing~~
 - ~~• Vandalism~~
 - ~~• Nonconsensual touching~~
 - ~~• Contacting a person after a sanction has been issued prohibiting contact with that person, including, but not limited to, verbal, written or third party communication, or physical contact~~
 - ~~• Cyber-stalking which means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose~~
2. ~~Other conduct considered stalking under the stalking laws as outlined in Section 784.048, Florida Statutes.~~

1. ~~(q)~~ Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this prohibited conduct (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) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

v. Student Organization Policies

1. Members of the Student Organization acting together to violate University Policy.

1. ~~Notice of the charge(s), including specific code section(s) which~~
2. More than one Student working together to impede an investigation by the University into possible violations of the Student Code of Conduct committed by a Student Organization.
3. Acting to protect from official action one or more alleged individual offenders who are members, former members or guests of the Student Organization.
4. Leaders of the Student Organization who fail to report and/or take reasonable action against guests and/or members responsible for alleged violations.
5. Violation(s) of any Campus Life/Fraternity and Sorority Life/Sports Club Policies published in hard copy or available electronically via the appropriate website. See <https://studentaffairs.fiu.edu/get-involved/campus-life/index.php>, <https://studentaffairs.fiu.edu/get-involved/sorority-and-fraternity-life/index.php>, or <https://studentaffairs.fiu.edu/health-and-fitness/recreation/index.php>.

w. Theft and Theft-Related Conduct

1. ~~1. Removal~~Taking, or use of, the property or services of another person or of the University without prior written consent or authorization of the person or of the appropriate authority.
2. ~~2.~~ Possession and/or sale of property or services of another person or of the University without
2. ~~2.~~ prior written consent or authorization.

(+x). Trespassing/Unauthorized Use

1. Unauthorized presence in or unauthorized use of University Premises or On-Campus Housing, facility or restricted area.

y. Vandalism/Damage/Littering

1. ~~1.~~ Damage, destruction or defacing of property of another person, group or the University.
2. ~~(s)~~Dispersing litter in any form on University grounds or facilities, including, but not limited to, cigarette butts, flyers, cans, and bottles.

z. Weapons, Firearms, Explosives

1. ~~1.~~ Possession, storage or use of firearms ~~(, except as provided in (6)(s)(2)), below,~~ explosives,
1. ~~1.~~ ammunition or other weapons or dangerous articles or substances, including, but not limited to tasers, switchblade knives and non-lethal weapons such as fireworks, paintball guns, air guns, ~~archery equipment,~~ BB guns, any dangerous chemical or biological agents, corrosive agents, compressed gas, sling shots, brass knuckles, Chinese stars, or any other item used as a weapon.
2. ~~2.~~ In accordance with Florida Statutes §Section 790.115, ~~students are prohibited from possessing possession of~~ firearms on University ~~property (i.e., land, buildings, facilities, and other property in the~~
 - ~~possession of Premises or owned, used, or controlled by the University) On-Campus Housing (except as provided by Florida Statutes §Section 790.25(5)-).~~
 - Possession of a concealed weapon or firearm on ~~the~~ University Premises or On-Campus Housing even if the Student possesses a concealed weapon license.

- ~~1. Notice of the charge(s), including specific code section(s) which~~
~~2. 3.~~ Notwithstanding the foregoing, weapons, including non-functioning antique display weapons, may be used for classroom instructional purposes or other University sanctioned activities (e.g., firearms under the direct supervision of ROTC, a diver's knife for a scuba divers' class) but only with prior approval by the appropriate University Official.

(t) — ~~On-Campus Housing~~ (Threat of the use of a weapon or weapons that could, or would, cause distress or injury to a member or members of the University ~~Housing and Greek Houses~~) Policies

~~1. Violation(s) of any Department of Housing and Residential Life or Sorority and Fraternity Life/Campus Life Policies published in hard copy or available electronically via the Department of Housing and Residence Life website <http://www.housing.fiu.edu/> and/or Sorority and Fraternity Life/Campus Life website campuslife.fiu.edu/greeks.fiu.edu.~~

(u) — ~~Student and Greek Organizations/Clubs Policies~~

~~1. Violation(s) of any Campus Life/Sorority and Fraternity Life Policies published in hard copy or available electronically via the Campus Life/Sorority and Fraternity Life website. See campuslife.fiu.edu/greeks.fiu.edu.~~

(v) — ~~community~~ **Gambling**

- ~~1. Soliciting, placing or accepting a bet on any high school, intercollegiate or professional~~
~~3. athletic contest on~~ damage to University Premises or at a University or Student or Greek Organization sponsored activity or event. ~~Soliciting, facilitating or participating in any illegal gambling, bookmaking or illegal betting whether through a bookmaker, a parlay card, a pool or any other method of organized gambling on University Premises or at a University or Student or Greek Organization sponsored activity or event~~ On-Campus Housing.

(w) — ~~Trespassing/Unauthorized Use~~

~~1. Unauthorized presence in or unauthorized use of University Premises, facilities, or restricted areas.~~

(x) aa. Other Violations

- ~~1. Attempt or intent to commit any violation outlined in the Student Code of Conduct of~~
~~1. Conduct.~~
~~2. 2.~~ Involvement in any violation outlined in the Student Code of Conduct. This includes prompting, facilitating, or encouraging others to commit acts prohibited by this Code and/or the failure to remove oneself from the area/incident where the offense is being committed or attempted.
~~area/incident where the offense is being committed or attempted.~~
~~3. Aids or abets another in any violation of federal law, state law, local ordinance, and/or~~
~~3. University Policy.~~
~~4. 4.~~ Violations of federal, and/or state law laws, local ordinance, or Florida International University and/or Policy.

1. Notice of the charge(s), including specific code section(s) which
Policies.

(y) —

6. Bribery

1. — An offer, gift, receipt, or solicitation of a bribe of money, materials, goods, services or anything of value for the Student or others for the purpose of procuring or providing an advantage to which he/she is not otherwise legally entitled.

(7) PRE-HEARING PROCEDURES

(a) — **Initiating Charges:** Any person or entity (including University departments, offices, officials, community members, etc.) may submit information regarding report an alleged violation(s) of the

a. Student Conduct Code for review by the SCCR in the following ways by:

1. — Filing a police report with the University Police Department or requesting that a report from another law enforcement agency be sent to the University Police Department.

1. 2. — Submitting a police report that has been filed with any police department.

2. Providing a signed SCCR incident report (see <http://www2.fiu.edu/~sccr/> for <http://conduct.fiu.edu> for report) along with accompanying supporting witness(es) statements and/or documentation to the office listed below based on the stated factors.:

or:

a) — If the incident occurred in any of the University's residential housing, submit the incident Making an oral report to the Office of Residential Life.

b) — If the incident involved a member of a Greek Organization and/or occurred in one of the On-Campus Greek houses, submit the incident report to Sorority and Fraternity Life.

c) — If the incident occurs elsewhere and does not fall within the categories of

3. (a) or (b) above, submit the incident report to the SCCR.

b. 3. — **Preliminary Review:** The SCCR Director will determine, in his/her at their discretion, whether further fact-finding is needed and whether there is enough sufficient information to file charges and which Hearing Body is appropriate to handle the matter. When two or more Charged Students are charged in the same incident, the appropriate Hearing Officer, in his/her discretion, may hold a separate hearing for each Charged Student or may hold a joint hearing regardless of the participation of any party in the proceedings.

4. — When a police or incident report relates to a charge of sexual misconduct, the SCCR Director will inform the University's Title IX Coordinator for the purpose of compliance with federal regulations. The SCCR will advise the Complainant of the referral. The SCCR Director will advise the Title IX Coordinator of the results of the fact finding that SCCR conducts.

(b) — **Filing Time:** Anyone may file an incident report of an alleged Code violation with the applicable office designated in (a)(2) of this section within ninety (90) calendar days of the incident or obtaining knowledge about the incident, whichever is later. However For conduct under Section 5.e (Dating or Domestic Partner Violence), 5.s (Sexual Misconduct) and 5.u (Stalking), there is

1. ~~Notice of the charge(s), including specific code section(s) which~~
no time limit for reporting. In addition, the SCCR Director may extend ~~this~~the filing time ~~in~~
certain cases, including but not limited to, stalking, sexual misconduct, domestic violence,
c. ~~endangerment, or~~ where the delay may be related to issues of victimization or beyond the
control of the University.

University.

d. ~~(c)~~ **Written Notice (Investigations):** The SCCR Director retains the discretion to
determine whether an investigation should be conducted, and the scope of such investigation
based on the alleged violations. The investigation will be a neutral fact-finding process used
to determine if there is sufficient information to warrant action by the University.

Charge Letter): The Charged Student, or Student Organization, ~~or Greek~~
Organization will be given a ~~Written Notice~~written notice of the Charges ~~no less than five (5)~~
~~Business Days prior to~~
the hearing, unless waived by the student, or shortened in the case of an Interim Suspension. The
Written

e. Notice Charge Letter will include the following:

Notice of the charge(s), including specific code section(s) which constitutes the alleged
violation(s) of the Student Conduct of Code, an allegations statement and any other detail in order
to prepare for a Student

1. Conduct proceeding; and

2. ~~2.~~ An opportunity appointment to attend an information session.

f. ~~(d)~~ **Consolidation:** When two or more Charged Students are charged in the same
incident, the Hearing Body, in their discretion, may hold a separate hearing for each
Charged Student or may hold a joint hearing if all Charged Students agree.

g. **Information Session:** -An information session is designed to provide the Charged Student,
or Student Organization, ~~or Greek Organization~~ with information about the hearing process
and his/her or its rights as well as giving access to the ~~documents~~information supporting the
charge(s) available at that time.

1. ~~1.~~ The Charged Student, or Student ~~Organization, or Greek~~ Organization will have an
opportunity to review all information in the Student Conduct file at the information
session with ~~his/her~~their Advisor, including the names of Witnesses to be called and the
information to be used in the Student Conduct matter.

~~or its Advisor (if any), including the names of witnesses to be called and the information to be
used in the~~
Student Conduct matter.

i. ~~a)~~ Subsequent to the information session, the ~~SCCR Director or~~ Hearing Officer
may conduct ~~any~~ further fact-finding regarding the incident that is subject to the
charge. This information will be communicated to the Charged Student/Student
Organization prior to the hearing.

2. ~~The~~ If a Charged Student, or Student Organization, ~~or Greek~~
Organization will also receive information regarding the resources available for preparing for
the hearing.

3. ~~If a Charged Student, Student Organization, or Greek Organization~~
~~fails to respond to a request to schedule an information session and/or~~ fails to attend a
scheduled information session, the Charged Student, or Student Organization, ~~or Greek~~
~~Organization~~ will be deemed to have
waived ~~his/her~~their right to an information session. -Under those circumstances, a hearing
~~may will~~ be scheduled ~~in~~

~~1. Notice of the charge(s), including specific code section(s) which the Charged Student's absence.~~ Failure to attend to an information session will result in the ~~SCCR Director~~Hearing Officer determining the type of hearing. The hearing type will be determined based on the severity of the possible sanctions (e.g., suspension/expulsion cases ~~will~~may be referred to the Student Conduct

~~2.~~ Committee).

~~3.~~ 4. If the Charged Student fails to attend the information session, the ~~SCCR Director~~Hearing Officer may place a hold/service indicator on the Charged Student's record until the conclusion of the hearing. If sanctions are imposed as a result of the hearing, the hold/service indicator will be retained until the Charged Student fulfills all of the sanctions.

~~(e) Right to Review Information to be used at a Hearing. The~~

7. RESOLUTION OPTIONS

~~A Charged Student, Student Organization, or Greek Organization and Advisor, if any, have the right to inspect all is entitled to a resolution of the information that will be presented against the Charged Student, Student Organization, or Greek Organization at least three (3) Business Days before the Student Conduct any alleged violation of the Student Code of Conduct through a disciplinary proceeding. The University has the right to review any information the Charged Student, Student Organization, or Greek Organization intends to use at a hearing at least three (3) Business Days before the Student Conduct proceeding.~~

~~(8) TYPES OF HEARINGS~~

~~unless waived as set forth below. Two (2) types of hearings~~resolution options are provided by the Student Code of Conduct: ~~formal and informal.~~

~~(a) Informal Hearing:~~

~~1. An informal hearing is only~~

a. Summary Resolution

~~A summary resolution is available when the Charged Student, or Student~~

~~1. Organization, or Greek Organization waives the right to a formal hearing and requests that the Hearing Officer conducting the information session determine the findings and sanctions if applicable. The Hearing Officer reserves the right to conduct fact-finding to make an informed decision. When the possible sanctions include suspension or expulsion, or there is a Complainant with rights defined in the Complainant's Rights section, an informal hearing is not an option.~~

~~2. If a Charged Student, Student Organization, or Greek Organization waives the right to a formal hearing conducted, he/she or it must indicate the waiver on a form provided by the SCCR during information session.~~

~~2.~~ 3. The following apply to ~~an informal hearing~~a summary resolution:

~~i. a) The meeting(s) will not be recorded.~~

~~ii. e) The written decision will serve as the official record of informal~~the Summary Resolution.

~~hearings.~~

- d) ~~The written decision will be sent to the Charged Student within~~
- iii. ~~The written decision will be sent to the Charged Student or Student Organization within fourteen (14) Business Days from the conclusion date of the Hearing Officer's deliberation~~ Summary Resolution.
3. ~~4.~~ If the Charged Student or Student Organization does not ~~choose~~ choose the ~~summary resolution~~ Summary Resolution (or the option is unavailable), the Charged Student or Student Organization may indicate ~~his/her~~ their preference for one of the two (2) types of ~~formal~~ hearings.
- b. ~~(b)~~ **Formal Hearings.** ~~The formal hearings are:~~ Hearings include: 1) an ~~Administrative~~ administrative hearing, or 2) ~~the~~ a Student Conduct Committee hearing. -All procedures described in the Hearing Procedures section apply to these types of ~~hearing~~ hearings.
1. ~~An~~ Administrative hearing ~~is~~ conducted by a Hearing Officer who serves as the
1. He
2. ~~A~~ Student Conduct Committee hearing ~~is~~ conducted by a committee which
- ari
- ng
- Bo
- dy.

2. serves as the Hearing Body. -The committee is comprised of two (2) Students and one (1) faculty or staff member. -A non-voting Hearing Officer will moderate the hearing.
- c. ~~(e)~~ — The SCCR Director retains the discretion to ultimately determine which hearing forum is appropriate.
- d. ~~(d)~~ — All hearing(s) will be conducted in private or in accordance with applicable law.

~~(9)~~

8. HEARING NOTIFICATION

- ~~(a)~~ — **Scheduling**: Hearings may be scheduled during class periods. Every effort will be made
- a. to avoid a class conflict; however, due to availability of persons involved in the hearing and ~~a~~meeting room, it may not be possible.
- ~~(b)~~ — **Hearing Notice**: The notice of a hearing, including date, time, and location will be sent
- b. to the official University email address of the Charged Student, or to the official University email address of the President of the Student Organization ~~or Greek Organization~~, at least five (5) Business Days prior to the hearing. -The Hearing Officer has the discretion to provide notice through additional means ~~(e.g., overnight or hand delivery)~~. The ~~receipt~~delivery notification of the hearing notice through the official University email will constitute full and adequate notice under the Student Code of Conduct. The Charged Student, ~~or Student Organization, or Greek~~ Organization may waive the notice period by indicating the waiver in writing.
1. — The notice will include the names of ~~witnesses~~Witnesses to be called by the University and information to be used in his/her or its matter.
1. ~~2. The hearing notice will indicate whether the Hearing Officer received any additional a list of information to be used in the hearing after the information session was conducted and will~~Hearing
~~indicate when the additional information may be viewed.~~
2. ~~3. The notice will also indicate the name(s) of the Hearing Body member(s).~~
3. The notice may include information related to additional evidence, witnesses, or change of charge(s) different from what was presented in the information session.
- c. ~~(e)~~ — **Witnesses and Evidence**
1. In addition to Witnesses to be called by the University, the Charged Student or Student Organization may request the presence of additional Witnesses to voluntarily present relevant information on their behalf.
- i. The Charged Student or Student Organization must provide the Hearing Officer with the names of all additional Witnesses in writing at least three (3) Business Days prior to the hearing.
- ii. The Hearing Officer will determine the admissibility of testimony from additional Witnesses. Character Witnesses or Witnesses to other incidents outside the specific incident in question will not be allowed to testify at a hearing. The Charged Student or Student Organization may provide the Hearing Body with Character Witness Statements (which will only be considered during the sanctioning phase, if any).
- iii. The Charged Student or Student Organization is responsible for contacting and notifying the additional Witnesses they wish to call for the hearing.
- iv. The proceedings shall not be delayed due to scheduling conflicts of Witnesses. Failure of any Witness to appear shall not require a delay or affect the validity of

- the proceedings. If called Witnesses do not appear, their written statements, if they exist, will be considered by the Hearing Body. Witnesses can appear in person or by contemporaneous alternative means (e.g., Skype, phone).
- v. The Hearing Officer has the discretion to limit the number of Witnesses whose testimony may be duplicative, redundant or not in dispute.
 - vi. The Hearing Officer may place limits on the length of testimony and also may advise to the scope, direction or tone of questioning.
2. The Charged Student or Student Organization may inspect all of the information that will be presented at the Hearing at least three (3) Business Days before the hearing.
 - i. The Charged Student or Student Organization must submit any information they intend to use at a hearing at least three (3) Business Days before the hearing. Relevant records, exhibits and statements may be accepted at the discretion of the Hearing Officer. The University will not consider polygraph reports.
 3. Acceptance or denial of witnesses and/or evidence is within the discretion of the Hearing Officer.
 4. Evidence and/or the names of Witnesses will be provided to the Hearing Body prior to the Hearing.
- d. Challenging a Member of the Hearing Body/Change of a Hearing Body Member:**
1. 1.—The Charged Student, or Student Organization, or Greek Organization has the right to may challenge the inclusion of any member at least three (3) Business Days prior to the scheduled hearing. The challenge must be in writing and must show actual bias (such as a conflict of interest, animosity, pressure, or influence) that would preclude a fair and impartial hearing. -The Hearing Officer will determine whether to grant such challenge in his/her/their discretion, and such decision is final and not appealable.
 2. 2.—If a Hearing Body member is unable to serve due to an emergency or unforeseeable occurrence, the Hearing Officer maywill appoint a new Hearing Body member prior to the scheduled hearing- and notify the Charged Student as soon as possible. The Charged Student, or Student Organization, or Greek Organization may challenge the inclusion of this member at the time of the hearing. -The challenge must be on the basisbases outlined above.
- e. (d) —Request for a Postponement—:** Any request to postpone a hearing must be submitted in writing or by email and must be received by the SCCR Director at least 24 hourstwo (2) Business Days prior to the hearingand. The request must state the reason(s) for the requestpostponement. The granting of such requests shall be at the discretion of the SCCR Director. The University is not required to postpone a Student Conduct proceeding pending the outcome of a criminal prosecution.

~~(10)~~

9. ADVISOR FOR THE CHARGED STUDENT, OR STUDENT ORGANIZATION, OR GREEK ORGANIZATION

- (a) —**The Charged Student, or Student Organization, or Greek Organization may be accompanied
by an Advisor of his/her or its/their choosing and at his/her or its/their expense:

1)

- a. If at any time during the Charged Student, Student Organization, or Greek Organization is the subject of a pending criminal matter arising from the same incident, the Charged Student, Student Organization, or Greek Organization Conduct process.

may have an attorney as an Advisor provided that the attorney complies with the same restrictions imposed on any other Advisor.

1. ~~2)~~—It is the responsibility of the Charged Student, ~~or Student Organization, or Greek Organization~~ to make appropriate arrangements for the Advisor to attend the proceeding. The proceedings shall not be delayed due to scheduling conflicts of the chosen Advisor. If the Advisor is an attorney, the attorney must comply with the same restrictions imposed on any other Advisor.
2. ~~3)~~—The Charged Student, ~~or Student Organization, or Greek Organization~~ is responsible for presenting ~~in person his/her~~their own information, and therefore, Advisors are **not** permitted to speak or to participate directly in any Student Conduct process.
3. ~~4)~~—Although the Charged Student, ~~or Student Organization, or Greek Organization~~ may consult with ~~his/her or its~~the Advisor during the hearing, this consultation must take place in a manner that does not disrupt the proceedings.
4. ~~5)~~—The Advisor chosen by the Charged Student, ~~or Student Organization, or Greek Organization~~ cannot be a ~~witness~~Witness in the matter.
5. ~~6)~~—The SCCR ~~will~~can provide the Charged Student, ~~Student Organization, or Greek Organization~~ with a list of Advisors who ~~could~~can provide assistance ~~to~~ in preparing ~~thea~~ response to the reported Code violation.

10. (H) — THE DUE PROCESS RIGHTS OF THE CHARGED STUDENT, OR STUDENT ORGANIZATION OR GREEK ORGANIZATION

~~Below is a summary of the~~The Charged Student or Student Organization has the following rights of Students,:

- a. Reasonable, written notice of the Student Code of Conduct charge(s) and the allegations upon which the charge(s) is/are based.
- b. A fair and impartial hearing.
- c. Accompanied by an Advisor of their choice and expense at any time during the Student Conduct process.
- d. The opportunity to review all relevant information or evidence to be used in the Student Conduct hearing prior to the hearing.
- e. The ability to participate in the Student Conduct hearing either physically or by contemporaneous alternative means (e.g., Skype, phone).
- f. The opportunity to present relevant Witnesses and information at the hearing.
- g. The opportunity to question Witnesses in accordance with the Hearing Procedures.
- h. Not to provide self-incriminating testimony. (This right does not apply to Student Organizations, and/or Greek Organizations.) Invoking the right against self-incrimination will not be considered as a negative factor in the decision of the Hearing Officer or Hearing Body.
- i. Receive notification of the decision of the Hearing Body in writing within fourteen (14) Business Days of the hearing.
- j. Appeal the decision via the process established by the University.

11. PRINCIPLES OF GROUP RESPONSIBILITY

- a. Any Student Organization can be held responsible under the Student Code of Conduct for its actions or those of its members acting together. Misconduct on the part of the organization will be addressed when one or more of the following circumstances occur:
 1. An alleged violation arises out of a Student Organization-sponsored, financed or otherwise supported activity.
 2. An alleged violation occurs on University Premises or On-Campus Housing and/or transportation owned, operated or rented exclusively by the Student Organization.
 3. A pattern of individual alleged violations has occurred and/or continues to occur without adequate control, response or sanction on the part of the Student Organization or its leaders.
 4. The Student Organization or its related activities provided the context for the alleged violation.
 5. The action resulting in the alleged violation has received either the implied or overt consent of the Student Organization and/or its leaders.
 6. The Student Organization overtly places or implicitly allows active members of the Student Organization to be in a position to act on behalf or with the authority of the Student Organization.
- b. The actions of ~~either~~ active, prospective, or associate members (pledges) of a Student Organization may be considered hazing. Refer to Section 5.i for full details on Hazing.
- c. It is the responsibility of the Student Organization's President or Student-member designee to represent the organization through the conduct process.

12. HEARING PROCEDURES

- a. During the hearing, the Hearing Officer presides over the Student Conduct hearing and makes all procedural decisions.
- b. The burden of proof in a hearing rests with the University. The standard of proof is a Preponderance of the Evidence. The determination of "responsible" or "not responsible" will be based solely on the information and/or testimony presented.
- c. Formal rules of process, procedure and/or technical rules of evidence (including hearsay rules) applicable in the criminal or civil court process are not used in Student Conduct proceedings.
- d. Witnesses only participate in the hearing to the degree that a question is posed to them. They may not speak or otherwise participate in the Hearing.
- e. The hearing will be recorded. The recording will serve as the only official record of the proceedings. No other recordings are permitted.
- f. If the Charged Student or Student Organization fails to appear at the scheduled hearing, the hearing will be held, and a decision will be rendered in their absence.
- g. Upon request by the Charged Student, the Complainant or Witnesses, the Hearing Officer may permit the individual to provide relevant information during the hearing in a manner that avoids direct contact with the Charged Student, the Complainant or Witnesses.
- h. The Hearing Officer has the discretion to determine the order of the hearings which may involve the following:
 1. Introductory statement by Hearing Officer including a reading of the allegations and charge(s), introduction of information that is the basis for the charges and identification of the hearing participants.
 2. Statement by the Charged Student or Student Organization and submission of any previously submitted relevant written information (e.g., records, exhibits, written

statements) except for Witness statements (see below) for consideration by the Hearing Body.

3. Questions directed to the Charged Student or Student Organization by the Hearing Body.
 4. Presentation of Witnesses and any results of fact-finding conducted prior to the hearing.
 5. The Charged Student or Student Organization may pose questions directly to the Witness. In certain circumstances to be determined by the Hearing Officer, questions may be presented in writing to the Hearing Officer who have will then ask the Witness the question(s).
 6. Submission by the Charged Student or Student Organization of written statements (if any) of Witnesses who are not present.
 7. Follow-up questions (if any) directed to the Charged Student or Student Organization by the Hearing Body.
 8. Final statement by the Charged Student or Student Organization.
 9. Hearing Officer brings hearing to closure.
 - i. Deliberation by the Hearing Body is- held outside the presence of the Charged Studentnot part of the hearing.
 - j. Prior Student Conduct records, Character Witness Statements and/or Impact Statements are considered only in determining the appropriate sanction(s).
 - k. In Student Conduct Committee hearings, the Committee will make a recommendation of the decision and sanctions to the Hearing Officer. The Hearing Officer may take one of these actions with respect to the recommendation:
 - Adopt
 - Modify
 - Reject the findings and sanctions, or
 - Remand for a rehearing.
- If the Committee decision is not adopted, the Hearing Officer will include the reasons for any differences between the recommendations of the Committee and the Hearing Officer's final decision as part of the decision letter.
- l. A decision letter will be sent to the Charged Student or Student Organization within fourteen (14) Business Days from the conclusion of the Hearing Body's deliberation. The hearing decision will include the decision, sanctions imposed (if applicable) and the explanation of the right to appeal.

13. TITLE IX PROCEDURES

The University's Title IX Coordinator has designated the SCCR Director to serve as Deputy Title IX Coordinator. It is the responsibility of the Title IX Coordinator and Deputy Title IX Coordinator to ensure that the process relating to alleged Title IX/VAWA violations is reliable, impartial, thorough, prompt and conducted in an equitable manner. The general Student Code of Conduct procedures has beenare charged with-tailored for the investigation and resolution of reported violations of the University prohibitions against Sexual Misconduct, Dating or Domestic Partner Violence, Stalking and/or Retaliation. These tailored procedures require equitable access for both a Complainant and Charged Student as well as notice requirements and other considerations.

- a. **Prohibited Conduct:** Title IX cases include prohibited conduct listed in Section 5. e (Dating or Domestic Partner Violence), 5.r (Retaliation), 5.s (Sexual Misconduct), and 5.u (Stalking).

b. Pre-Hearing Procedures

- 1. Investigations:** If the SCCR Director determines that an investigation is necessary into the alleged violations, the procedures below will be followed. All fact finding will occur during the investigation stage prior to the hearing. There will be no additional documents or testimony presented at the hearing.
 - i. The SCCR Director will select a trained investigator(s) to gather sufficient evidence to reach a fair, impartial determination as to whether there is enough information to move forward with charging a student with a violation of the Student Code of Conduct based on the preponderance of the evidence. The investigator(s) will be trained to gather and document the available evidence to support reliable decisions, synthesize all available evidence (including both supportive and non-supportive evidence) and take into account the unique and complex circumstances of each case.
 - ii. The SCCR Director will select investigator(s) who are free of actual or reasonably perceived conflicts of interest and biases for or against any party. The Charged Student or Complainant may raise any concerns about bias or conflict of interests within three (3) business days to the SCCR Director.
- 2. The Notice of Investigation:** Prior to the initial investigation meeting, the SCCR will send to the Charged Student and Complainant written notice about the allegations constituting a potential violation of the Student Code of Conduct. ~~These rights are as describe in the Code.~~ in order for the parties to prepare for meaningful participation in the investigation.

~~The Charged Student, Student Organization, or Greek Organization has the right to:~~
- 3. (a) Investigative Procedures:** During an investigation, the investigator(s) will seek to meet separately with the Complainant, the Charged Student, and any Witnesses. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information or may have other information related to the incident, the disclosure, or related matters. Character witness statements will not be considered by the investigator(s). The investigator(s) will also gather other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person) and other electronic records as appropriate. The investigator(s), not the parties, are responsible for gathering relevant evidence to the extent reasonably possible. Both the Complainant and Charged Student are encouraged to promptly submit any relevant information, including Witnesses' names. If a party declines to provide relevant information, the University's ability to conduct a prompt, thorough and equitable investigation may be impaired.
- 4. Prior Sexual History.** The sexual history of the Complainant and/or the Charged Student will never be used to prove character or reputation. Evidence related to the prior sexual history of the parties is generally not used in determining whether a violation of this Code has occurred and will only be considered under limited circumstances. For example, prior sexual history may be relevant to explain injury, to provide proof of a pattern or to address another specific issue raised in the investigation. The investigator(s) will determine the relevance of this information, and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.
- 5. Written Investigation Report:** Upon conclusion of the investigation, the investigator(s) will prepare a written report summarizing the relevant information which will include any evidence and/or a list of Witnesses that are supportive or not supportive of a

violation. The Charged Student, the Complainant and/or any Witnesses will have the opportunity to review the report before it becomes final. Upon notice of the availability of the investigation report, the Charged Student and the Complainant will have five (5) Business Days to:

- i. Meet again with the investigator,
- ii. Provide written comment or feedback on the facts as gathered,
- iii. Submit additional information, and/or
- iv. Identify additional Witnesses and/or request the collection of other information by the investigator.
- v. If any party provides a written response or makes a request for additional information, the content will be shared as appropriate and incorporated in the final investigation report. Participation in this iterative process is important given that the investigation report will be the only evidence submitted at the Hearing. Once the investigation report is final, a copy will be provided to the Charged Student and Complainant at the same time. This report will be used in the hearing. Unless there are extenuating circumstances, information not provided by any party during the investigation or not included in the report will not be permitted to be introduced at the hearing.

6. **Charge Letter:** At the time of the issuing the charge letter to the Charged Student, the Complainant will also be notified of the charges and be offered an Information Session.

c. Due Process Rights of The Complainant:

1. Reasonable, written notice of the Student Code of Conduct charge and the allegations upon which the charge is based.
 2. ~~(b)~~ A fair and impartial hearing.
 - ~~(e)~~ — An opportunity to review all information with his/her or its Advisor (if any) to be used in his/her Student Conduct matter before a hearing.
 - ~~(d)~~ — Present witnesses at the hearing.
 - ~~(e)~~ — Question witnesses in accordance with the Formal Hearing Procedures.
 3. ~~(f)~~ Be accompanied Accompaniment by an Advisor of his/her or its their choosing and at his/her or its expense. ~~(g)~~ at any time during the Student Conduct process.
 4. The opportunity to review all relevant information to be used in their Student Conduct process prior to the hearing.
 5. The ability to participate in the Student Conduct hearing either physically or by contemporaneous alternative means (e.g., Skype, phone).
 6. Not to provide self-incriminating testimony. -(This right does not apply to Student Organizations.)
- Organizations or Greek Organizations.)
7. ~~(h)~~ Notification Receive notification of the decision of the Hearing Body in writing. ~~(i)~~ — within fourteen (14) Business Days of the hearing.
 8. Appeal the decision, ~~in writing,~~ via the process established by the University.

(12) — HEARING PROCEDURES

9. ~~(a)~~ In addition to these due process rights, the Complainant has the same responsibilities as those provided by the Student Code of Conduct to the Charged Student.
- d. Due Process Rights of the Charged Student: See Section 10.**
- 1. Additional Due Process Rights for Charged Students and Complainants: Both parties have the additional right to submit an Impact Statement for use solely in the sanctioning phase if the Charged Student is found responsible for the Charge(s).**

e. **Hearing Notifications:** At the time of issuing the hearing notice to the Charged Student, the Complainant will also be notified of the hearing.

f. **Hearing Procedures:**

1. **Hearing:** To avoid re-victimizing the Charged Student and/or Complainant by having to retell their version of the events, the University determined that the traditional hearing should not be used for Title IX cases.

2. The Hearing Body, the Charged Student, and the Complainant will be given the final investigation report at least three (3) Business Days prior to the hearing. During the hearing, the investigator(s) will provide a summary statement of the final investigation report. The Hearing Body, the Charged Student and the Complainant may ask questions about the report.

3. During the hearing, the Hearing Officer presides over the Student Conduct hearing, and makes all procedural decisions.

(b) — The burden of proof in a hearing rests with the University. -The ~~burden~~ standard of proof is a

Preponderance of the Evidence ~~(i.e., the evidence is more likely or not).~~ The determination of g. “responsible” or “not responsible” will be based solely on the ~~information and/or testimony presented.~~ (e) — investigation report.

Formal rules of process, procedure, and/or technical rules of evidence (including rules regarding hearsay) applicable in the

h. criminal or civil court process are not used in ~~Student Conduct~~ this hearing.

The hearing will be recorded. The recording will serve as the only official record of the proceedings.

~~i. (d) — The hearing will be recorded. The recording will serve as the only official record of the proceedings. No other recordings are permitted.~~

~~i. (e) — If the Charged Student, Student Organization, or Greek Organization fails or Complainant fail to appear at the scheduled hearing, the hearing will be held and a decision will be rendered in the ~~their~~ absence ~~of the Charged~~.~~

~~Student, Student Organization, or Greek Organization.~~

~~(f) — The Charged Student, Student Organization, or Greek Organization may arrange for witness(es) to voluntarily present relevant information on her/his or its behalf.~~

~~1.~~

~~Witness(es) must be able to speak to the incident in question only. 2.~~

~~Character witness(es) or witness(es) to other incidents outside the specific incident in question will not be allowed to testify at a hearing. The Charged Student, Student Organization, or Greek~~

~~Organization may provide the Hearing Body with a written statement from these witness(es).~~

~~3. — The Charged Student, Student Organization, or Greek Organization must provide the Hearing Officer with the names of all witness(es) in writing at least three (3) Business Days prior to the hearing.~~

~~4. — The Charged Student, Student Organization, or Greek Organization is responsible for contacting and notifying the witness(es) he/she or it wishes to call for the hearing.~~

~~5. — The proceedings shall not be delayed due to scheduling conflicts of the witness(es). Failure of any witness to appear shall not require a delay or affect the validity of the proceedings. If called witness(es) do not appear, their written statements, if they exist, will be considered by the Hearing Body.~~

~~6. — The Charged Student may choose not to provide self-incriminating testimony which will not constitute an admission of responsibility. The protection from self-incrimination does not extend to Student or Greek Organizations.~~

~~7. — The Hearing Officer has the discretion to limit/determine the number/order of witnesses whose testimony the hearing which may be duplicative.~~

~~(g) — Pertinent records, exhibits, and written statements may be accepted by the Hearing Body at/in/volve the discretion of the Hearing Officer.~~

~~(h) — The Hearing Officer may place limits on the amount of information accepted and the length of testimony and also may advise that the tone of questioning be changed.~~

~~(i) — All procedural questions are subject to the final decision of the Hearing Officer.~~

~~k. (j) — The following order of presentation will be followed in formal hearings. Exceptions may be made by the Hearing Officer due to extenuating circumstances.:~~

~~1. — Introductory statement by Hearing Officer including a reading of the allegations~~

~~1. and charge(s) and, introduction of information that is the basis for the charges and identification of the hearing participants.~~

~~2. — Statement, if any, by the Charged Student, ~~Student Organization, or Greek Organization~~. This is intended to be a concise statement to identify key facts and submission of any pertinent written information (e.g., records, exhibits, written statements) except questions for~~

~~2. witness statements (see below) for consideration by the Hearing Body; it is not intended to be a full recounting of the incident.~~

~~3. 3. — Questions Statement, if any, by the Complainant. This is intended to be a concise statement to identify key facts and questions for the Hearing Body; it is not intended to be a full recounting of the incident.~~

~~4. Summary of the relevant portions of the final investigation report by the investigator.~~

~~Relevant questions directed to the Charged Student, ~~Student Organization, or Greek Organization~~ by the Hearing Body and/or Hearing Officer.~~

~~4. — Presentation of witnesses Complainant and any results of fact finding conducted prior to the hearing.~~

~~5. — Questioning of witness(es/ or investigator(s)) by the Hearing Body ~~or~~ Hearing Officer. The~~

~~5. Charged Student, Student Organization, or Greek Organization. The purpose of these questions is to clarify information in the final investigation report. Any party may pose questions directly to the witness except in situation where the witness feels uncomfortable or is the Complainant. In these situations, the questions will be presented in writing to also request that the Hearing Body or Hearing Officer who will then ask the witness the pose relevant questions of the other party concerning clarifications about information in the final investigation report. The Hearing Officer makes the determination whether any question is relevant and will be asked.~~

~~6. — Submission of written statements (if any) of witnesses who are not present Final statement by the~~

~~6. Charged Student, Student Organization, or Greek Organization.~~

~~7. — Follow up questions (if any) directed to the Charged Student, Student Organization, or Greek Organization by the Hearing Body and/or Hearing Officer.~~

Organization

~~7. 8.~~ Final statement by ~~Charged Student, Student Organization, or the~~
~~Greek~~ the Complainant.

~~8. 9.~~ Hearing Officer brings hearing to closure.

- l. ~~(k)~~ — Deliberation by the Hearing Body is not part of the hearing.
- m. ~~(l)~~ — Prior Student Conduct records, ~~character statements~~, Character Witness Statements and/or ~~Complainant impact statements~~ Impact Statements are considered only in determining the appropriate sanction(s).
- ~~(m)~~ — ~~The~~ In Student Conduct Committee hearings, the Committee will make a recommendation of the decision and
- n. sanctions to the Hearing Officer. The Hearing Officer may take one of these actions with respect to the recommendation:

- 1. — Adopt;
- 2. — Modify;
- 3. — Reject the ~~decision~~ findings and sanctions; 2 or
- 4. — Remand for a rehearing.

~~The~~ If the Committee decision is not adopted, the Hearing Officer will include the reasons for any differences between the recommendations of the Committee and the Hearing Officer's final decision as part of the decision letter.

- ~~(n)~~ — A ~~formal~~ decision letter will be sent to the Charged Student, ~~Student Organization,~~ or

Greek Organization within and the Complainant on the same day but no later than fourteen (14) Business Days from the conclusion of the Hearing Body's deliberation. The ~~hearing~~ decision will include ~~the decision, sanctions imposed (if applicable), and the right to appeal.~~

(13) — COMPLAINANTS' RIGHTS

1. ~~(a)~~ These rights apply to outcome, the following types of cases: rationale for the outcome, the sanctions and the rationale for the sanctions.

1. — Sexual Misconduct
2. — Endangerment
3. — Personal Abuse

4 Interim Suspension: — Stalking

5. — Hazing

6. — A crime of violence under Section 16 Complainant will be notified of the Interim Suspension of Title 18 of the United States Code (i.e., arson, assault offenses, burglary, criminal homicide — manslaughter by negligence, criminal homicide — murder the Charged Student and non-negligent manslaughter, destruction/damage/vandalism of property, kidnapping/abduction, robbery, forcible sex offenses) or a non-forcible sex offense (i.e., statutory rape, incest).

- ~~(b)~~ — Rights

- o. 1. — Have will have the same rights afforded as the Charged Student to the Charged Student, Student Organization, or participate in the subsequent hearing.

- p. Greek Organization as described above. — Appeals:

The Complainant wishing to appeal must adhere to complete the same responsibilities required of appeal form in full, indicating the Charged Student, Student Organization, or Greek Organizations as set forth above.

1. 2. — Have unrelated past behavior excluded from basis for the hearing. The Hearing Officer will decide if such information is unrelated. Unless there was a prior relationship between appeal, explain in detail the parties, past relationships of reasons for the Charged Student or Complainant will not be considered in the hearing appeal, and attach supporting relevant documentation.
3. — To be present throughout the entire hearing or any portions thereof. If the

~~Complainant does not want~~The SCCR will notify the Complainant if the Charged Student appeals, and vice versa. Both parties may submit a written statement within seven (7) Business Days.

2.

~~The appellate decision is issued in writing to be present in the same room as the Charged Student; the Hearing Officer will make alternative arrangements, if possible.~~

4. ~~Testify in limited privacy. In lieu of testifying in person or via telephone, the and Complainant may submit a written or recorded statement. The determination of whether the testimony will be given in limited privacy is made at the discretion of the SCCR Director in consultation with the University Victim Advocate.~~

5. ~~Submit a within twenty-one (21) Business Days of receipt of the written impact statement to the Hearing Body. This information will be used only in the sanctioning phase of deliberations if the Charged Student is found responsible for the charge(s).~~

6. ~~Be notified of the final determination to the extent permitted by law. Be notified of the final determination in cases involving alleged sexual misconduct. If the alleged Complainant is~~

~~_____~~

~~_____~~

~~deceased as a result of a crime of violence or non-forcible sex offense, the University will provide the results of the disciplinary hearing to the Complainant's next of kin, if so requested.~~

7. ~~A Complainant of sexual misconduct is entitled to a review by the Title IX Coordinator to determine whether the Complainant is also entitled to a remedy under Title IX which is~~

3. ~~not available under the Student Conduct Code. The SCCR Director will forward the Title IX Coordinator a copy of the decision letter request for appeal unless notification is given that additional time is necessary for consideration of the record on the same day that the Charged Party and Complainant receive the letter appeal.~~

8. ~~Appeal the decision using the process described in Appeals Section.~~

(c) ~~Support and Assistance Programs. The University provides support and assistance programs for Complainants through its Victim Advocacy Center (see website <http://vac.fiu.edu>).~~

(

14). SANCTIONS

(a) ~~In light of the facts and circumstances of each case, the following sanctions or~~

a. ~~combination of sanctions (with or without appropriate modifications) will be imposed upon any Charged Student and/or Student/Greek Organizations Organization found to have violated the Student Code of Conduct. Sanctions will be commensurate with the offense prohibited conduct with consideration given to any aggravating and mitigating circumstances, including, but not limited to, the Charged Student's or Student Organization's conduct record. Fees may be associated with certain sanctions (e.g., counseling consultation, online programs) and are the Student's or Student Organization's responsibility.~~

1. ~~_____~~

General

1. **Written Reprimand**—: the University takes official notice that such actions are inappropriate and not in accordance with our community standards.
2. ~~Service Hours assignment to complete task(s) or service(s) under the supervision of a University department or outside agency.~~
3. **Educational Activities**—: attendance at in-person and/or online educational program(s); workshop(s); interview(s) with appropriate officials; written research assignments; behavior reflection papers; planning and implementing educational program(s); or
 2. other educational activities.
3. ~~4. Restrictions/No Contact Order~~—: the requirement that the Charged Student and/or friends have no contact with the Complainant. This restriction can be imposed at any time during the Student Conduct process.
- ~~Student Conduct process.~~
5. **Counseling Screening/Consultation**—: referral for screening and/or consultation with the University Counseling and Psychological Services (CAPS) (or a licensed psychologist/psychiatrist if the Charged Student is no longer enrolled when sanctioned or is seeking readmission) for alcohol/drug dependence, anger management, general mental health or other counseling issues. Charged Student must follow through with recommendations made by the
 4. ~~University Counseling and Psychological Services~~CAPS or the licensed psychologist/psychiatrist, as applicable. The Charged Student must permit the consulting professional to provide official documentation on letterhead verifying attendance and to share the recommendations with the SCCR.~~letterhead verifying attendance and to share the recommendations with the SCCR.~~
6. **Psychological Evaluation**—: referral for an evaluation and recommendation by a licensed psychologist or psychiatrist which may include ~~the University Counseling and Psychological Services Center.~~CAPS. The Charged Student must follow through with any recommendations made by the
 5. psychologist or psychiatrist. The Charged Student must permit the professional to provide official documentation on letterhead verifying attendance and share the recommendations with the SCCR.
7. **Restitution**—: requirement to reimburse the University or person for damage to or
 6. misappropriation of property owned or in possession of the University or other persons. Any such payment on restitution will be limited to actual cost of repair or replacement.
8. ~~Fees requirement to pay all fees associated with any sanction delivered (e.g., counseling consultation, psychological evaluation, educational seminars/ programs, etc.).~~
9. ~~Residence Hall Reassignment required change in University residence hall assignment. The Charged Student will be responsible for any additional charges for the new Housing assignment.~~
10. ~~On-Campus Housing Exclusion exclusion from University residence halls or Greek houses for a specified length of time. A Charged Student that is excluded from the residence halls is not eligible for fee reimbursement of pre-paid fees.~~
11. **Restrictions/Loss of Privileges**—: restrictions or loss of privileges which may be imposed upon a Charged Student for a specified amount of time, including but not limited to,

7. participation in Student activities, University or Student events, representation of the University on athletic teams, or in ~~other~~ leadership positions, presence at University residence halls or other buildings/areas of campus, ~~contact with specified person(s)~~, participation as a peer advisor, resident assistant, or elected/appointed Student leadership leader in Student government; Government or other Student Organizations, and/or participation in study abroad or alternative break programs. Additional restrictions on University privileges and/or activities may be imposed on the Charged Student based on their current or potential future activities.

Conduct Probation: a temporary interruption of the Student's status with the University. A Charged Student who is on conduct probation is considered not in good standing with the University, resulting in applicable restrictions on privileges and/or activities which may include, but are not limited to, being prohibited from participating in study abroad or alternative break, or serving as a peer advisor, resident assistant or elected/appointed a Student leader in Student Government or other Student Organizations. Additional restrictions on University privileges and/or activities may be imposed on the Charged Student based on his/her current or potential future activities.

~~12. — Restrictions/Loss of Privileges (Student/Greek Organization Only)– For an organization, restrictions or loss of privileges including, but not limited to, participation in Student activities, social events, intramural activities, alcohol functions, or facilities. This does not affect an individual's status with the University or attendance at classes unless the individual has been charged and sanctioned independently of the Student/Greek Organization.~~

- ~~13. — Conduct Probation a temporary interruption of the Student's status with the University. A Charged Student that is on conduct probation is considered not in good standing with the University, resulting in applicable restrictions on privileges and/or activities including, but not limited, to prohibited from participating in study abroad or alternative spring break, as a peer advisor, resident assistant, or elected/appointed to a Student government or other organizational leadership position. Additional restrictions on University privileges and/or activities may be imposed on the Charged Student based on his/her/their current or potential future activities. The conduct probation period is a time for the Charged Student to reflect on his/her/their behavior and demonstrate that he/she can once again be a responsible Member of the University Communitycommunity. While on conduct probation, further violations of the Student Code of Conduct or other University Policies may result in suspension or expulsion.~~

9. **Deferred Suspension:** period of time in which suspension is temporarily withheld or withheld pending completion of other sanctions by a specified deadline date. A Charged Student who is on deferred suspension is considered not in good standing with the University, resulting in applicable restrictions on privileges and/or activities which may include, but are not limited to, being prohibited from participating in study abroad or alternative break, or serving as a peer advisor, resident assistant or elected/appointed-a Student leader in Student Government or other Student Organizations. Additional restrictions on University privileges and/or activities may be imposed on the Charged Student based on their current or potential future activities. If the Charged Student fails to fulfill the sanctions described in the decision letter (including failure to timely fulfill the sanction), the Charged Student will no longer be considered on deferred suspension but will be automatically suspended with no further appeal. While on deferred

suspension, further violations of the Student Code of Conduct or other University Policies may result in suspension or expulsion.

10. **Suspension:** separation from the University for a specified period of time. A Charged Student is considered not in good standing with the University while suspended. The Charged Student may not attend classes (either in person or online) and is banned from being on or in any University Premises or On-Campus Housing. The suspended Charged Student is also banned from participation in any University-sponsored/related event or activity and their FIU OneCard will be deactivated. This sanction is recorded on the Charged Student's academic transcript during the period of suspension. A Charged Student who is suspended from the University is not eligible for tuition and/or registration fee reimbursement except as provided by University Policies. The Charged Student will be administratively withdrawn from courses and will lose respective credit hours.
11. **Expulsion:** permanent separation from the University with no possibility of readmission. This sanction is recorded on the Charged Student's academic transcript permanently. A Charged Student is considered not in good standing with the University after being expelled. The Charged Student may not attend classes (either in person or online) and is banned from being on or in any University Premises or On-Campus Housing. The expelled Charged Student is also banned from participation in any University-sponsored/related activity or event and their FIU OneCard will be deactivated. A Charged Student who is expelled from the University is not eligible for tuition nor registration fee reimbursement except as provided by University Policy. The Charged Student will be administratively withdrawn from courses and will lose respective credit hours.
- 14.

Student Organization Sanctions

12. **Restrictions/Loss of Privileges (Student Organizations):** for an organization, restrictions or loss of privileges including, but not limited to, participation in or exclusion from Student activities, social events, intramural activities, alcohol functions or in campus facilities. This does not affect an individual Student's status with the University or attendance at classes unless the individual Student has been charged and sanctioned independently of the Student Organization.
13. **Conduct Probation (Student/~~Greek Organization Only~~)– Organizations):** temporary interruption of the organization's status with the University.- An organization that is on conduct probation is considered not in good standing with the University, resulting in applicable restrictions ~~on~~of privileges and/or activities including, but not limited to, participation in or exclusion from Student activities, social events, intramural activities, alcohol functions, or in campus facilities. -Further violations of Interfraternity Council (IFC;), Panhellenic Council (PC;), National Panhellenic Council (NPHC;), Wellness & Recreation Center (WRC), or Multicultural Greek Council (MGC) Policies, Student Code of Conduct or other University Policies may result in suspension or expulsion of the Charged Student/~~Greek~~ Organization from the University. -This does not affect an ~~individual's~~individual Student's status with the University or attendance at classes unless the individual Student has been charged and sanctioned independently of the Charged Student/~~Greek~~ Organization.

~~15. —Deferred Suspension– (Student Organizations): period of time in which suspension is temporarily withheld or withheld pending completion of other sanctions by a specified deadline date. A Charged Student on~~

~~deferred suspension is considered not in good standing with the University, resulting in applicable restrictions or privileges including, but not limited to, prohibited from participating in study abroad or alternative spring break, as a peer advisor, resident assistant, or elected/appointed to a Student government or other organizational leadership position. Additional restrictions on University privileges and/or activities may be imposed on the Charged Student based on his/her current or potential future activities. If the Charged Student fails to fulfill the sanctions described in the decision letter (including failure to timely fulfill the sanction), the Charged Student will no longer be considered on deferred suspension but will be automatically suspended with no further appeal. If a Charged Student commits another violation of the Student Conduct Code while on deferred suspension, the Charged Student will be taken through the conduct process for that additional violation.~~

~~16. — Deferred Suspension (Student/Greek Organization Only) — period of time in which~~

- ~~14. the organization's suspension is temporarily withheld or withheld pending completion of other sanctions by a specified deadline date. An organization on deferred suspension is considered not in good standing with the University, resulting in applicable restrictions or privileges and/or activities including, but not limited to, participation in or exclusion from Student activities, social events, intramural activities, alcohol functions, or in campus facilities. - If the organization fails to fulfill the sanctions described in the decision letter (including failure to timely fulfill the sanction), the organization will no longer be considered on deferred suspension but will be automatically suspended with no further appeal. This does not affect an individual Student's status with the University or attendance at classes unless the individual Student has been charged and sanctioned independent of the Student Organization.~~

~~will be taken through the conduct process for that additional violation. This does not affect an individual's status with the University or attendance at classes unless the individual has been charged and sanctioned independent of the Student/Greek Organization.~~

~~17. — Suspension – (Student Organizations): separation from the University for a specified period of time. A Charged Student is considered not in good standing with the University while suspended. The Charged Student may not attend classes and is banned from being on or in any On-Campus Premises. The suspended Charged Student is also banned from participation in any FIU sponsored/related event or~~

- ~~1. — activity. This sanction is recorded on the Charged Student's academic transcript during the period of suspension. A Charged Student that is suspended from the University is not eligible for tuition and or registration fee reimbursement except as provided by University Policies. The Charged Student will be administratively withdrawn from courses and will lose respective credit hours.~~

~~18. — Suspension (Student/Greek Organization only) — separation from the University for a specified period of time. An organization while suspended is considered not in good standing with the University. - A suspended Organization may not participate in any University activities or events and is not recognized as a University organization during the suspension period. This does not affect an individual Student's status with the University, academic area or attendance at~~

classes unless the individual Student has been charged and sanctioned independently of the Student/Greek Organization.

~~19. — Expulsion permanent separation from the University with no possibility of readmission. This sanction is recorded on the Charged Student's academic transcript permanently.~~
~~A~~

~~Charged Student is considered not in good standing with the University after being expelled. The Charged Student may not attend classes and is banned from being on or in any On-Campus~~

~~Premises. The expelled Charged Student is also banned from participation in any FIU sponsored/related event or activity. A Charged Student that is expelled from the University is not eligible for tuition and/or registration fee reimbursement except as provided by University Policies. The Charged Student will be administratively withdrawn from courses and will lose respective credit hours.~~

~~20. — Expulsion (Student/Greek Organization Only) Permanent separation from the~~

~~15. University with no possibility of re-chartering or re-registering. An organization that has been expelled is considered not in good standing with the University. An expelled organization may not participate in any University activities or events and is not recognized as a University organization. This does not affect an individual Student's status with the University, academic area or attendance at classes unless the individual Student has been charged and sanctioned independently of the Student/Greek Organization.~~

~~16. (b) Expulsion (Student Organizations): permanent separation from the University with no possibility of re-chartering or re-registering. An organization that has been expelled is considered not in good standing with the University. An expelled organization is not recognized as a University organization and may not participate in any University-sponsored activity or event. This does not affect an individual Student's status with the University, academic area or attendance at classes unless the individual Student has been charged and sanctioned independently of the Student Organization.~~

Housing Sanctions

~~17. On-Campus Housing Reassignment: required change in University residence hall assignment. The Charged Student must move out by the date and time provided and will be responsible for any additional room rental charges for the new Housing assignment.~~

~~18. On-Campus Housing Probation: a period of probation for the remainder of the Student's time in temporary interruption of the Charged Student's status with On-Campus Housing. Future violation(s) of the student Code of Conduct or other Housing/University policies may result in additional sanctions such as Housing Agreement Termination, University suspension or expulsion. A person on Housing Probation is considered not in good standing with University Housing, resulting in applicable restrictions on privileges and/or activities including, but not limited to, ineligibility for Residence Hall Association (RHA) leadership positions and student employment within Housing and Residential Life (including Resident Assistants, Clerical Assistants and Housing Ambassadors).~~

~~19. Deferred On-Campus Housing Termination: period of time in which the Charged Student is allowed to continue to reside in On-Campus Housing notwithstanding the fact that, but for the Deferred On-Campus Housing Termination (DOCHT), the Housing Agreement would have been immediately terminated. At the end of the current semester, the current Housing Agreement with the student is effectively terminated and the Student is ineligible to reside in any On-Campus Housing for the remainder of the~~

Student's career at FIU. The Student is also excluded from all On-Campus Housing premises for the remainder of the Student's career at FIU. This exclusion applies to all buildings, grounds and the parking lots surrounding the buildings. If another violation of the Code of Conduct occurs in the semester while the Charged Student is on DOCHT, the Charged Student's Housing Agreement will be immediately terminated and the remaining sanctions of this provision apply (i.e., exclusion from housing and premises).

20. On-Campus Housing Exclusion: exclusion from On-Campus Housing for the remainder of the Student's career at FIU. This exclusion applies to all buildings, grounds and the parking lots surrounding the buildings.

- b. Violations of the Student Code of Conduct that are motivated by prejudice toward a person or group because of such factors such as race, ~~color, creed,~~ religion, ethnicity, ~~disability,~~ national origin, ~~disability,~~ age, marital status, ~~gendersex,~~ sexual orientation, ~~sexual identity or expression,~~ pregnancy, genetic information, veteran status or any group/class protected by state or federal law may result in stronger sanctions.
- c. (e) — Sanctions take immediate effect ~~immediately~~ unless appealed. (except for suspensions or expulsions).
- d. (d) — Proof of the completion of the sanction(s) ~~should~~ must be provided as directed in the decision letter. -It is the responsibility of the Charged Student or Student/~~Greek~~ Organization to ensure that such proof ~~of completion~~ is provided by the specified ~~time~~ date. Failure of the Charged Student or Student/~~Greek~~ Organization to provide proof by the specified date may result in a charge of failure to comply, which will result in the placement of a Student Conduct hold on ~~the~~ a Charged Student's academic records, and ~~will result in~~ suspension if the Charged Student or Student/~~Greek~~ Organization had been on deferred suspension.

15. (15) — INTERIM SUSPENSION

Where the Vice President for Student Affairs or designee determines that the health, safety or welfare of the Charged Student, the Student Organization or University community are in jeopardy or in danger, an interim (temporary) suspension will be imposed. This includes, but is not limited to, sexual misconduct, physical assault, hazing, possession of a firearm or explosives, illegal drug possession and other acts of a similar nature. A Charged Student or Student Organization under Interim Suspension is considered not in good standing with the University, resulting in applicable restrictions on privileges and/or activities. The Charged Student may neither attend nor participate in any classes, including any online components, during this time. The Charged Student or Student Organization is also banned from being on or in any University Premises and/or On-Campus Housing, and from participation in any University-sponsored/related event or activity.

- a. The Charged Student under Interim Suspension shall not be allowed on Campus except with the permission of the SCCR Director.
- b. Once an Interim Suspension is imposed, a hearing must be held within a reasonable time. The Interim Suspension does not replace the regular conduct process, which shall proceed up to and through a hearing, if required.

16. PROCESS OF PRESIDENTIAL REVIEW

- a. The President will notify the SCCR Director within three (3) Business Days of notification of a disciplinary outcome if he/she wishes to review the underlying disciplinary matter.

This review will serve as the appeal process for the Charged Student/Student Organization and Complainant (if applicable). Any other appeal process will immediately cease.

b. No later than one (1) Business Day after the President notifies the SCCR Director and the Appellate Officer, the SCCR Director shall notify the Charged Student/Student Organization and the Complainant (if applicable) of the President's decision to review the underlying disciplinary matter including sanctions. The Charged Student/Student Organization and Complainant (if applicable) may provide the President with any information (including any documents supporting an appeal if not previously submitted) within three (3) Business Days of the SCCR Director's notification.

c. The President may only consider the information included in the Student Conduct file, any appeals submitted by the Charged Student/Student Organization and Complainant (if applicable), and any information that was not reasonably available at the time of the hearing.

d. The President shall issue a written decision to the Charged Student/Student Organization, Complainant (if applicable), Appellate Officer, and SCCR Director within 14 Business Days of notification of a disciplinary outcome. Decisions based on charges involving Hazing (Section (5)(m)) and Sexual Misconduct (Section (5)(s)) will include an explanation for the decision and sanctions. The President's decision constitutes Final Agency Action and will include notice of the Charged Student/Student Organization's right to appeal to an external judicial forum if the sanction is suspension or expulsion.

17. APPEALS

a. ~~(a)~~ — **Appellate Officer**: The appellate officer for all appeals is the Vice President, for Student Affairs or designee.

~~(b)~~ — **Appeal Form/Basis for Appeals**: The Charged Student, or Student/Greek Organization, or a Complainant of sexual misconduct, endangerment, personal abuse, stalking, hazing, a crime of violence, or non-forcible sex offense (if any) wishing to appeal must complete the appeal form in full, indicating

— the basis for the appeal, explain in detail the reasons for the appeal; and ~~attached~~attach supporting relevant documentation. The burden of proof rests with the person appealing to clearly demonstrate the reason for appeal as set forth below. Appeals are not a re-hearing of the Student Conduct matter but are only a file and/or document review. The reason for the appeal must be based on at least one of the following:

b.

~~appeal as set forth below. Appeals are not a re-hearing of the Student Conduct matter but only a file and/or document review. The reason for the appeal must be at least one of the following:~~

1. — Violations of the appealing party's rights or other failure to follow the Student

1. Conduct procedures that substantially affected the outcome of the initial hearing. Appeals based on this reason will be limited solely to a review of the record of the hearing.

2. — New information, which was not available at the time of the hearing and ~~would~~

2. could not have been presented. — In addition, the appealing party must show that the new information could have substantially affected the outcome: ~~or~~.

3. ~~3.~~—The severity of the sanction is disproportionate to the nature of the offense.~~Charge(s).~~

c. ~~(e)~~—**Appeal Requests:** All appeals must be written and submitted using the appeal form available ~~from the SCCR or via the following website:~~
~~http://www2.fiu.edu/~sccr/appeal_process.html~~ in the decision letter.

1. ~~1.~~—The person wishing to appeal must complete the ~~appeals~~appeal form in full and send it

1. ~~to the Appellate Officer within seven (7)~~appellate officer for receipt no later than 5:00pm of the seventh (7th) Business Days of Day after the receipt/delivery date of the hearing decision. ~~letter.~~ If the appeal form is submitted and/or signed by any ~~other~~ individual ~~other~~ than the appealing party, it will not be accepted.

2. ~~2.~~—~~The SCCR will notify the Complainant of sexual misconduct, endangerment, personal abuse, stalking, hazing, a crime of violence, or non-forcible sex offense of a sexual misconduct, a crime of violence, or non-forcible sex offense (if any) if the Charged Student appeals, and vice versa.~~

~~Both parties may submit a written statement.~~

~~(d)~~—If a hearing decision is not appealed within the timeframe, the original decision becomes

d. Final Agency Action.

e. ~~(e)~~—**The Charged Student's Status Pending Appeal, Once:**

1. ~~An appeal has no effect on a Charged Student's status when the sanction was suspension or expulsion. The sanction(s) are effective immediately from the date of the decision.~~

2. ~~If the Charged Student appeals in any other case, once~~ an appeal is requested, the ~~sanctions~~sanction(s) will be stayed and will not take effect until the appeal process has been completed. ~~Under these circumstances, if no appeal is requested, the sanctions will take effect immediately.~~ A Charged Student shall remain eligible to attend classes and University activities pending the appeal.

3. If a Charged Student's privileges are temporarily revoked through an Interim Suspension and the Charged Student is subsequently found not responsible for the violation, the University must to the extent possible:

i. ~~1.~~—Correct any record of the change in enrollment status in the Charged Student's permanent records and reports in a manner compliant with state and federal laws; and

ii. ~~2.~~—Refund to the Charged Student a pro rata portion of any charges for tuition, and out-of-state fees, as appropriate, relating to the temporary revocation or suspension which affected the Charged Student's ability to attend classes for more than ten (10) Business Days.

~~If no appeal is requested, the sanctions will take effect immediately. Charged Student's ability to attend classes for more than ten (10) Business Days.~~

4. ~~(f)~~—

f. **Appellate Review/Decision:**

1. ~~1.~~—No person may hear or decide an appeal if ~~he/she~~they conducted or participated in the

1. Student Conduct proceeding being reviewed on appeal.

2. ~~2.~~—The Appellate Officer shall first determine if sufficient grounds for the appeal exists and then, if so, may either deny the appeal, thus sustaining the initial decision and sanction(s), or do one of the following:

~~one of the following:~~

- i. ~~i.~~ — If the basis of the appeal is that the severity of the sanction was disproportionate to the nature of the offense and the Appellate Officer finds the appealing party proved ~~his/her~~their allegation, the Appellate Officer may modify the sanction.
- ii. ~~ii.~~ — If the basis of the appeal is that there was a ~~violation of the appealing party's rights or other~~ failure to follow the Student Conduct procedures that substantially affected the outcome, or that there was new information which was not reasonably available at the time of the hearing and could not have been ~~presented~~discovered through the exercise of due diligence, which would have substantially affected the outcome and the Appellate Officer finds that the appealing party proved ~~his/her~~their allegation, the Appellate Officer will order a new hearing.
- g. ~~(g)~~ — **Written Decision on Appeal:** The appellate decision is issued in writing to the Charged Student, ~~or Student/Greek Organization and the Complainant of sexual misconduct, endangerment, personal abuse, stalking, hazing, a crime of violence, or non-forcible sex offense (if any)~~ Organization within twenty-one (21) Business Days of receipt of the written request for appeal unless notification is given that additional time is necessary for consideration of the record on appeal.

- h. ~~(h)~~ — **Effect of the Final Appellate Decision:** The decision of the Appellate Officer constitutes Final Agency Action. - In the case of a suspension or expulsion of a Charged Student, the decision of the Appellate Officer will include notice to the Charged Student of the Charged Student's right to appeal to an external judicial forum.

(16) — INTERIM SUSPENSION

In situations where the Vice President determines that an emergency exists which affects the health, safety, or welfare of the Charged Student, Student Organization, Greek Organization or University community, an interim (temporary) suspension will be imposed. This includes, but not limited to, sexual misconduct, physical assault, hazing, possession of a firearm or explosives, illegal drug possession, and other acts of a similar nature. A Charged Student, Student Organization, or Greek Organization under Interim Suspension is considered not in good standing with the University, resulting in applicable restrictions on privileges and/or activities. The Charged Student may not attend classes. The Charged Student, Student Organization, or Greek Organization is also banned from being on or in any On-Campus Premises and from participation in any FIU-sponsored/related event or activity. A Complainant of sexual misconduct, endangerment, personal abuse, stalking, hazing, a crime of violence, or non-forcible sex offense (if any) will be notified of the Interim Suspension of the Charged Student and will have the same rights as the Charged Student to participate in the subsequent Student Conduct Committee Hearing described in this section.

(a) — The Charged Student under Interim Suspension shall not be allowed on Campus except with the permission of the University Police Chief or designee.

(b) — Once an Interim Suspension is imposed, a formal Student Conduct Committee Hearing must be held within a reasonable time. The Interim Suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Committee Hearing, if required.

(17) — RECORDS

(a) — Decision letters (e.g., hearing outcome, sanctions and appeals) of all Student Conduct matters, including Housing/Residential Life and Sorority and Fraternity Life, will be maintained in the SCCR.

(b) — Complete Student Conduct records regarding cases heard by Housing/Residential Life will be maintained by the Director of University Housing/Residential Life. Complete Student Conduct records regarding cases heard by IFC, NPHC, PC, and/or MGC will be maintained in the Office of Sorority and Fraternity Life.

(c) — Complete Student Conduct records of Student Organizations or clubs will be maintained in the SCCR.

(d) — 187. RECORDS

a. All conduct-related records will be housed in the web-based system maintained by SCCR.

b. The release of Student Conduct records will be governed by applicable federal and state laws regarding the privacy of education records.

- (e) — The SCCR may place a Student Conduct hold on the records and registration of any
- c. Charged Student who has a pending Student Conduct matter, including any outstanding sanctions. -Charged Students may not be allowed to graduate, receive grades ~~or~~ nor have transcripts released until pending Student Conduct matter(s), including any outstanding sanctions, are resolved.
- (f) — The official University email address on file with the ~~University's~~ Registrar's Office will
- d. be used for all Student Conduct ~~notices~~ correspondence sent to the Charged Student. -For Student/~~Greek~~ Organizations, the official University email address on file with the ~~University~~ Registrar's ~~office~~ Office for the organization's respective President will be used. The Hearing Officer may, in ~~his/her~~ their discretion, decide to send the notices via additional means (e.g., overnight delivery, ~~etc.~~) and/or to other authorized University Officials.
- (g) — Expulsion will be noted permanently on a Student's academic transcript. -Suspension will be noted on the Student's transcript during the period of suspension.
- (h) — Student Conduct files are kept ~~for~~ in compliance with General Records Schedule GS5, but not for less than seven (7) years from the date of the last incident(s) that
- the Charged Student or Student/~~Greek~~ Organization was involved in that resulted in ~~charges of the~~
- e.
- f. Student Code of Conduct ~~Code.~~ charges. However, in the case of expulsion or suspension, the files shall be permanently retained.
- g. (i) — Students may have access to the information in their Student Conduct file by submitting a written request to the SCCR Director. The access will be provided in accordance with federal and state laws regarding the privacy of education records (FERPA) and University regulation (see Florida International University Regulation 108).
- ~~laws regarding the privacy of education records and University regulation (see Florida International University Regulation 108).~~

€ **198) — AUXILIARY AIDS AND SERVICES**

- a. Students with disabilities as defined by the Americans with Disabilities Act ~~requiring special~~ who require special accommodations for meetings/hearings should notify the SCCR and the Disability Resource Center in writing at least three (3) Business Days prior to any meeting or hearing.
- ~~accommodations should notify the SCCR and the Office of Disability Services for Students in writing at least three (3) Business Days prior to the hearing.~~

(19) — MEDIATION

- (a) — ~~All matters~~

2019. CONFLICT RESOLUTION

- Not every matter processed through SCCR ~~are not~~ is required to go through formal ~~summary~~ resolution or ~~informal~~
- a. ~~hearings~~ a hearing. An overall goal of the SCCR is to provide a learning process which entails understanding and respecting the rights of others. An avenue utilized by the SCCR to foster mutual respect and understanding when differences arise is ~~mediation.~~

~~Mediation~~Conflict Resolution. Conflict Resolution through SCCR is an informal and confidential process.

- b. ~~(b)~~ Mediation~~is~~Conflict Resolution may be utilized where the incident in question is minor in nature, and the parties involved chose not to proceed with ~~formal~~ charges through the University Student Conduct system. ~~The~~The SCCR reserves the right to determine if charges will be filed or whether Conflict Resolution is the appropriate option in each matter.

~~SCCR reserves the right to determine if formal charges will be filed or whether mediation is the appropriate venue in each matter.~~

- ~~(e)~~ Mediation~~Conflict Resolution~~ cases handled through SCCR will not be identified or filed as a Student

~~Conduct matter.~~ Mediation~~Conflict Resolution~~ records will be maintained separate from Student Conduct files and will not

- c. ~~be~~ recorded or reported as part of a Charged Student's record. All ~~mediation~~Conflict Resolution files are confidential and will not be released without written consent except in cases where the conduct or behavior is a repeat offense. In repeat cases, this information is only released to the Hearing ~~Officer or committee conducting a formal hearing~~Body and only used if the Charged Student is found responsible for a violation of the Student Code of Conduct.

- d. ~~(d)~~ Mediation~~Conflict Resolution~~ files are kept for seven (7) years from the date of the ~~mediation-resolution.~~

~~(e)~~ Incident(s) considered serious in nature, and; consequently not suitable for ~~mediation~~Conflict Resolution, include, but are not limited to: sexual misconduct, endangerment, personal abuse, ~~stalking~~, hazing, a crime of violence, ~~or non-forcible sex offense~~ illegal drugs, alcohol, weapons; or other violations of

- e. federal, state and local ordinances.

- f. Participation must be voluntary, and either party can request to end Conflict Resolution at any time which may result in the initiation of the Student Conduct process for the behavior.

210.

(20) Interpretation and Revision

(a) INTERPRETATION AND REVISION

- a. Any question of interpretation or application of the Student Code of Conduct shall be referred to the Vice President for Student Affairs or designee for final determination.

~~(b)~~ The Student Code of Conduct shall be reviewed periodically by a committee which shall

- b. include Student representation under the direction of the SCCR Director.

Contact: Director, Office of Student Conduct and Conflict Resolution

Location: GC 311

Phone: (305-) 348-3939

Fax: (305-) 348-6477

Web Page: www.fiu.edu/~seer

Email: conduct@fiu.edu

Web Page: conduct.fiu.edu

Authority: Florida Board of Governors Regulation 6.0105 Student Conduct and Discipline; Florida Board of Governors Regulation 6.010 Student Affairs Administration; Florida Board of Governors Regulation 1.001(4)(a)(10); and Section 7(d), Article IX, Florida Constitution. History—New June 19, 2012, Amended September 17, 2012, Amended 4-8-14.

This page intentionally left blank

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Academic Policy and Student Affairs Committee
June 6, 2018

Subject: Proposed Amendment to Regulation - FIU-110 Demonstrations

Proposed Committee Action:

Recommend to the Florida International University Board of Trustees the approval of the amendments to FIU Regulation 110, Demonstrations.

Background Information:

Regulation FIU-110 currently addresses free speech/demonstration activities on FIU's campuses. Regulation FIU-110 is being updated to align the regulation with the provisions of the Florida Campus Free Expression Act ("CFEA"), which became effective March 11, 2018. The title of this regulation is being changed from "Demonstrations" to "Expressive Activities in Outdoor Areas of Campus". The regulation also is being updated to remove all references to "Free Assembly Areas", since the CFEA prohibits the creation of such free speech zones. As revised, the regulation defines expressive activities and outdoor areas of campus, the hours during which certain such activities are not allowed to take place on campus, and the procedure for requests to engage in expressive activities with the use of amplification and appeals of the denials of such requests.

This regulation was created pursuant to the authority granted by the Board of Governors to the Board of Trustees under regulation 1.001 (3)(j) University Board of Trustees Powers and Duties states that each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.

Supporting Documentation: Proposed Amendment to Regulation, FIU-110 Demonstration

Facilitator/Presenter: Carlos B. Castillo

This page intentionally left blank

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

NOTICE OF PROPOSED AMENDMENTS TO REGULATION

REGULATION NO.: FIU-110
REGULATION TITLE: Demonstrations

SUMMARY: In order to reflect the alignment of the regulation with the provisions of the Florida Campus Free Expression Act (“CFEA”), which became effective on March 11, 2018, the title of this regulation is changing from “Demonstrations” to “Expressive Activities in Outdoor Areas of Campus”. It is also being updated to remove all references to “Free Assembly Areas” since the CFEA prohibits the creation of such zones. The revised regulation defines what expressive activities are, during what hours certain types of expressive activities are not allowed to take place on campus, and the process to request the use of amplification in expressive activities, and appeals of the denials of such requests.

TEXT OF REGULATION: The full text of the Proposed Amendments to Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu/>. If you would like a copy of the Proposed Regulation, please contact Eli Deville, Departmental Administrator, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Board of Governors Regulation 1.001(7)(g)

NAME OF PERSON INITIATING PROPOSED AMENDMENTS TO REGULATION: Carlos B. Castillo, General Counsel

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED AMENDMENTS TO REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

CONTACT PERSON REGARDING THE PROPOSED AMENDMENTS TO REGULATION: Eli Deville, Departmental Administrator, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu Phone: (305) 348-2103, Fax: (305) 348-3272.

DATE OF PUBLICATION: May 4, 2018

THE FULL TEXT OF THE PROPOSED AMENDMENTS TO REGULATION IS PROVIDED BELOW:

FIU-110 ~~Demonstrations~~ Expressive Activities in Outdoor Areas on Campus.

1. Definitions: For purposes of this regulation, the following definitions shall apply:

- a. ~~Demonstrations:~~ Expressive Activities: Expressive activities are activities such as assemblies, exercises of free speech, protests, parades, marches, and picketing protected under the First Amendment to the United States Constitution and Article 1 of the Florida Constitution. Expressive activity does not, for purposes of this regulation, include commercial speech.
- b. Outdoor areas of campus: Outdoor areas of campus are generally accessible areas of the University's Modesto A. Maidique Campus and Biscayne Bay Campus in which members of the campus community are commonly allowed, including grassy areas, walkways, or other similar common areas. The term does not include outdoor areas of campus to which access is restricted. Restricted areas include: areas designated by the President or the President's designee either temporarily or permanently as restricted, parking facilities/areas, athletic or recreational facilities, fields and stadiums. Furthermore, outdoor areas of campus do not include any buildings or other indoor facilities.
- ~~b.c.~~ University Community: -The University Community consists of Florida International University faculty, staff and students.
- ~~e.d.~~ University Organization(s): - University Organization(s) are recognized University faculty and staff organizations and registered University student organizations. This definition excludes individuals, groups, and/or organizations sponsored by or affiliated with University Organization(s).

2. Subject to the terms of this regulation and related University regulations: expressive activities are permitted in outdoor areas of campus so long as the conduct is lawful and does not materially and substantially disrupt the normal operations of the University or materially and substantially infringe upon the rights of others.

- ~~a. the University Community and University Organizations may use University grounds to conduct demonstrations, except as specified below.~~
- ~~b. non-University persons and non-University Organizations may conduct demonstrations in those areas of the University designated as "Free Assembly Areas," as specified below.~~

~~3. In no event shall campus buildings, indoor facilities, parking facilities/areas, athletic or recreational facilities, fields and/or stadiums be used for demonstrations unless specifically permitted in writing by the Vice President of Student Affairs or his or her designee.~~

~~4.3.~~ Subject to the other provisions of this regulation, including sections (8), (9) and (10), the University Community and University Organizations Sections 5, 6 and 7, persons may organize, conduct, or participate in demonstrations on University grounds expressive activities in outdoor areas of campus, except for grounds

within fifty (50) feet of the following (unless a greater distance is required by applicable laws):

- a. a. University residential facilities;
- b. b. Buildings, facilities, or areas where such use could impair entrance to or exit from the building, facility or area, or interfere with activities therein;
- c. c. The Children's Creative Learning Center;
- d. d. Buildings wherein child care services, elderly care services and health care services including, without limitation, mental health and substance abuse services, take place; and
- e. The FIU Libraries.

~~5. Subject to University regulations, policies and procedures, non-University persons and non-University Organizations are limited to the "Free Assembly Areas" listed below for purposes of organizing and conducting demonstrations on University grounds:~~

- ~~a. The Fountain Area located immediately north of the Charles Perry Building on the Modesto A. Maidique Campus;~~
- ~~b. The portion of the open grassy area directly north of the Graham Center Ballrooms entrance, east of the sidewalk leading from the Graham Center to Owa Ehan and west of the sidewalk leading from the Graham Center to Chemistry and Physics;~~
- ~~c. The portion of the grassy open area directly north of the Graham Center parking lot, east of the sidewalk leading from the Graham Center to Chemistry and Physics and south of the Health & Life Sciences I Building;~~
- ~~d. The open grassy area directly west of the Gold Parking Garage, east of the MARC building, south of the covered walkway between the Gold Parking Garage and the Primera Casa building, and north of Southwest 17th Street;~~
- ~~e. The paved area immediately north of Academic Building I at the Biscayne Bay Campus; and,~~
- ~~f. The grassy area north of the Wolfe University Center at the Biscayne Bay Campus.~~

~~6. The Free Assembly Areas may also be used for demonstrations by the University Community and University Organizations. The use of these Free Assembly Areas is subject to availability. Free Assembly Areas will be provided on the University campuses, provided the University reserves the right to re-locate Free Assembly Areas from time to time when determined to be in the best interest of the University, including, but not limited to, accommodating development of new buildings on the University campus and accommodating the needs of the University's educational and other programs.~~

~~7.4.~~ Events on the University's campuses occasionally draw attention from the University Community and general public and demonstrationsexpressive activities may result. Where necessary to ensure crowd control and the safety and security of persons on campus and to ensure an opportunity for demonstratorspersons

engaging in expressive activities to communicate regarding the event(s), the University may designate specific areas situated in close proximity to the event-
for the expressive activity. On these occasions, ~~demonstrations~~expressive activities related to the event(s) must be conducted in the areas specified by the University.

~~8.5.~~ All persons and organizations conducting ~~demonstrations on University grounds~~expressive activities in outdoor areas of campus must abide by the general requirement that no such activities may materially and substantially interfere with, disrupt, or impede the normal operations of the University or ~~otherwise~~materially and substantially interfere with or infringe on the rights of others. ~~Interference~~Material and substantial interference with, disruption of, or impeding the normal operations of the University and/or interference with the rights of others includes, without limitation:

- ~~a.~~ a. obstruction of vehicular, bicycle, pedestrian, or other traffic;
- ~~b.~~ b. obstruction of entrances or exits to buildings or driveways or impeding entry to or exit from any building or parking lot or vehicular path;
- ~~c.~~ c. obstruction or disruption of any educational, research, or administrative activities inside or outside any building;
- ~~d.~~ d. violation of a law, rule, regulation, or ordinance; violation of Board of Governors regulations, or violation of a University regulation, policy and/or procedure;
- ~~e.~~ e. posing an environmental hazard or a health or safety threat to the University, the University Community, University Organizations, or the general public;
- f. interference with or precluding a scheduled speaker from being heard;
- g. threatening persons or using fighting words which are those words that by their mere utterance inflict violence or would tend to incite a reasonable person to violence or other breach of peace;
- h. damaging property of the University ~~or on University grounds~~; or
- i. utilizing sound amplification, including bullhorns, except as approved in advance in writing as set forth below and within sound limits that will not disrupt normal University operations.

~~9.6.~~ No protests, parades, marches, picketing, demonstrations, and other similar expressive activities are permitted on the University campuses between the hours of 10:00 pm and 8:00 am.

~~10.7.~~

A

All persons and organizations conducting ~~demonstrations on University grounds~~expressive activities in outdoor areas of campus, must comply with all applicable federal, state and local laws, all Board of Governors regulations, and all other applicable University regulations, policies and/or procedures. –The University recognizes, respects and values the right of individuals to express

themselves on its campuses. -While civil disobedience sometimes plays a role in ~~demonstration~~expressive activities, civil disobedience involves a refusal to comply with laws or regulations as a form of protest.- The failure to comply with law or regulation when exercising rights under this regulation shall be grounds for the University to take appropriate action as described in Sections ~~11, 128, 9~~ and ~~1310~~.

~~11.8.~~ 11.8. ~~f a demonstration is~~If expressive activity is materially and substantially disrupting normal University operations or infringing on the rights of others contrary to the requirements of this regulation, the President or ~~his or her designated representative~~ the President's designee has authority to:

- a. identify himself or herself to the ~~demonstrators~~persons engaging in expressive activity in an outdoor area of campus, providing the person's name and official position;
- b. inform the ~~demonstrators~~persons engaging in expressive activity in an outdoor area of campus that they are in violation of the University regulation(s), policies and/or procedures, Board of Governors regulations or applicable law and specify the nature of the violation;
- c. request that the violation cease (which could include relocation of the activity to avoid the disruption); and/or
- d. in the event of non-compliance with this request, enlist the assistance of the Florida International University Police Department ~~of Public Safety~~ and/or law enforcement personnel in restoring order and enforcing the law.

~~12.9.~~ 12.9. In the event of a material and substantial disruption, the Florida International University Police Department ~~of Public Safety~~ or other law enforcement personnel has authority to:

- a. require that any individual identify himself or herself by presenting appropriate documentation such as identification cards;
- b. declare ~~a demonstration~~expressive activity to be disruptive, disorderly, or in violation of the University regulation or law and request all participants to cease and desist and to disperse and clear the area, including leaving the University grounds immediately, or be subject to arrest;
- c. arrest any participants observed to be in violation of applicable federal, state or local laws; and/or
- d. enlist the assistance of outside law enforcement agencies, as may be necessary.

Nothing contained in this regulation is intended to limit or restrict the authority of the Florida International University Police Department ~~of Public Safety~~ or other law enforcement personnel under applicable laws or University regulations, policies and procedures.

~~13.10.~~ 13.10. University Community members ~~-or University Organizations~~ who intentionally act to materially and substantially impair, interfere with, or obstruct

the orderly conduct, processes, and functions of the University or materially and substantially interfere with, or infringe upon, the rights of others, are subject to appropriate disciplinary action by the University authorities.

14.11. Amplification equipment is not allowed except as otherwise is provided herein.

In order to coordinate University events and other activities taking place ~~on~~ University grounds in outdoor areas of campus, with due consideration for the health and safety of all individuals, any person or organization who intends to ~~demonstrate on University grounds~~ engage in an expressive activity in outdoor areas of campus must notify the University at least two (2) business days in advance if: ~~(a) the demonstration event shall involve a group consisting of more than 30 participants; or (b) if sound amplification equipment shall be used.~~ All permitted use of amplification equipment shall maintain a reasonable sound level which meets the communication needs of the event without excessive noise penetration to adjacent areas.

Notification must be provided on the designated notification form, which is available in any one of the following Offices.- The notification must be submitted in writing to the designated University representative noted below at the applicable University

Campuscampus:

Modesto A. Maidique Campus:— Attention: Vice President of Student Affairs
or ~~his or her~~ designee
11200 S.W. 8th Street, Graham Center Room
4215GC219
Miami, Florida 33199

Biscayne Bay Campus: —Attention: Vice Provost of the
Biscayne Bay
_____Campus
or ~~his or her~~ designee
_____3000
N.E. 151st Street, Library Room 315
_____North
Miami, Florida 33181

The designated University representative at each applicable University Campuscampus may deny the referenced amplification request ~~to demonstrate on the University grounds~~ within two (2) business days after receipt of the notice for the following reasons:

- a. The proposed use ~~or activity of~~ amplification would materially and substantially interfere with the normal operations of the University and/or interfere with the rights of others due to one of the reasons enumerated in ~~subsection 8~~ Section 5 above;
- b. The proposed use ~~or activity of~~ amplification would conflict with previously planned programs, activities and/or events organized and conducted by the University and/or University Organizations and previously scheduled for the same time and place; ~~and.~~

~~e. A fully executed prior notification for the same time and place has been received and processed granting the prior requestor the authorization to use the area.~~

~~15.12.~~ Any person or organization that is denied permission ~~to demonstrate for a~~ proposed use of amplification may appeal such denial in writing to the Provost or ~~his or her~~ the Provost's designee. - The appeal must be made within two (2) business days after receipt of a written denial from the University's designated representative. - The Provost's or ~~his or her~~ the Provost's designee's decision on this matter shall be final.

13. The University may prohibit the carrying of certain items during expressive activities if the carrying of such items may increase safety and security risks of the persons engaged in the expressive activities or otherwise on campus.

14. Nothing in this regulation limits the authority of the University to allow areas of its campuses to be scheduled or reserved in advance for the use of the University or of a specific person or organization; the outdoor areas of campus being available on a space-available basis for expressive activities.

Specific Authority Section 1004.097, Fla. Stat. (2018) (the Campus Free Expression Act); Board of Governors Resolution dated 1-07-03 History: New 12-23-76, Amended 8-7-83, Formerly 6C8-5.008, Amended 9-12-08, 11-14-08, 4-8-14.

. -18.

This page intentionally left blank

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Academic Policy and Student Affairs Committee
June 6, 2018

Subject: Proposed Amendment to Regulation - FIU-111 Camping

Proposed Committee Action:

Recommend to the Florida International University Board of Trustees the approval of the amendments to FIU Regulation 111, Camping.

Background Information:

Together with the proposed amendments to Regulation FIU-110 - Demonstrations, and pursuant to the Florida Campus Free Expression Act (“CFEA”), which became effective March 11, 2018, this regulation is being amended to replace the reference to “Demonstrations” with “Expressive activities in outdoor areas on campus”. Moreover, references to “Free Assembly Areas” are being removed since the CFEA prohibits the creation of such zones.

This regulation was created pursuant to the authority granted by the Board of Governors to the Board of Trustees under regulation 1.001 (3)(j) University Board of Trustees Powers and Duties states that each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.

Supporting Documentation:

Proposed Amendment to Regulation,
FIU-111 Camping

Facilitator/Presenter:

Carlos B. Castillo

This page intentionally left blank

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

NOTICE OF PROPOSED AMENDMENTS TO REGULATION

REGULATION NO.: FIU-111
REGULATION TITLE: **Camping**

SUMMARY: Pursuant to the Florida Campus Free Expression Act (“CFEA”) which became effective March 11, 2018, the term “Demonstrations” is being replaced with “Expressive Activities in Outdoor Areas on Campus”. References to “Free Assembly Areas” also are being removed, as the CFEA prohibits the creation of such zones.

TEXT OF REGULATION: The full text of the Proposed Amendments to Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu/>. If you would like a copy of the Proposed Regulation, please contact Eli Deville, Departmental Administrator, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Board of Governors Regulation 1.001(7)(g)

NAME OF PERSON INITIATING PROPOSED AMENDMENTS TO REGULATION:
Carlos B. Castillo, General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED AMENDMENTS TO REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

CONTACT PERSON REGARDING THE PROPOSED AMENDMENTS TO REGULATION: Eli Deville, Departmental Administrator, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu Phone: 305-348-2103, Fax: (305) 348-3272.

DATE OF PUBLICATION: May 4, 2018

THE FULL TEXT OF THE PROPOSED AMENDMENTS TO REGULATION IS PROVIDED BELOW:

FIU-111 Camping

1. Definitions: For purposes of this regulation, the following definitions shall apply:

a. University Organization(s): University Organization(s) are recognized University faculty and staff organizations and registered University student organizations. This definition excludes individuals, groups, and/or organizations sponsored by or affiliated with University Organization(s).

b. Camping: Use of University grounds for the purpose of living accommodation, no matter the duration, such as sleeping, storing personal belongings, and cooking, and specifically including, without limitation, erecting tents and temporary structures.

2. Except as provided in this regulation, Camping is not permitted on University grounds.

3. University Organizations may receive approval from the Vice President for Students Affairs or Designee or ~~the~~ Sr. Vice President for Finance and Administration or Designee, as applicable, for events involving overnight use of the University's Modesto A. Maidique Campus or ~~the~~ Biscayne Bay Campus. To receive approval, the use must be consistent with the University's mission and not be detrimental to the health, safety or welfare of event participants or the University community.

4. The limits on Camping in this regulation are not intended to restrict the ability to place symbolic tents or other temporary structures in outdoor areas of campus ~~Free Assembly Areas~~ during expressive activities ~~demonstrations~~ in accordance with all of the requirements specified in FIU-110 Expressive Activities in Outdoor Areas on Campus ~~Demonstrations~~ and University policies and procedures adopted pursuant thereto.

Authority: Board of Governors Regulation 1.001(7)(g). History: New 4-8-14; Amended.

ACADEMIC AFFAIRS REGULAR REPORTS

A. Unit Reports

- I. *FIUBeyondPossible2020*
- II. Academic and Career Success
- III. Engagement
- IV. Enrollment Management and Services
- V. Information Technology
- VI. Research and Economic Development / University Graduate School
- VII. Student Affairs

I. FIUBEYONDPOSSIBLE2020

1. Strategic Implementation Project Plans

All 33 project plans are progressing to advance the goals of the *FIUBeyondPossible2020* strategic plan. The BeyondPossible steering committee was convened to meet in January 2018 where a summary and progress of all plans was discussed in detail. Below is a brief status report to highlight progress of select projects within the last quarter.

The Social Innovation project plan has had significant progress. The Office of the Provost has made fundamental improvements to the Social Innovation and Entrepreneurship strategic framework and has developed an umbrella-program for all changemaking and innovative activities across the university. The program was relaunched on March 21, 2018 with the new framework directly connecting students, staff and faculty to university-wide resources and enables them to better find their path of making impact in the community as well as their own lives. This is achieved through five main access-cores of (1) Leadership, Culture and Awareness, (2) Philanthropy and Community Engagement, (3) Student Recruitment and Services, (4) Curriculum and Co-Curriculum Activities, and (5) Research, Innovation and Entrepreneurship (see figure 1). The partnership with AshokaU remains vibrant with a four member delegation from FIU attending the Ashoka exchange April 5 - 7, 2018, with FIU's change leaders JC Espinosa - Interim Dean of Honors College and Emily Gresham - AVP of Research and Economic Development.

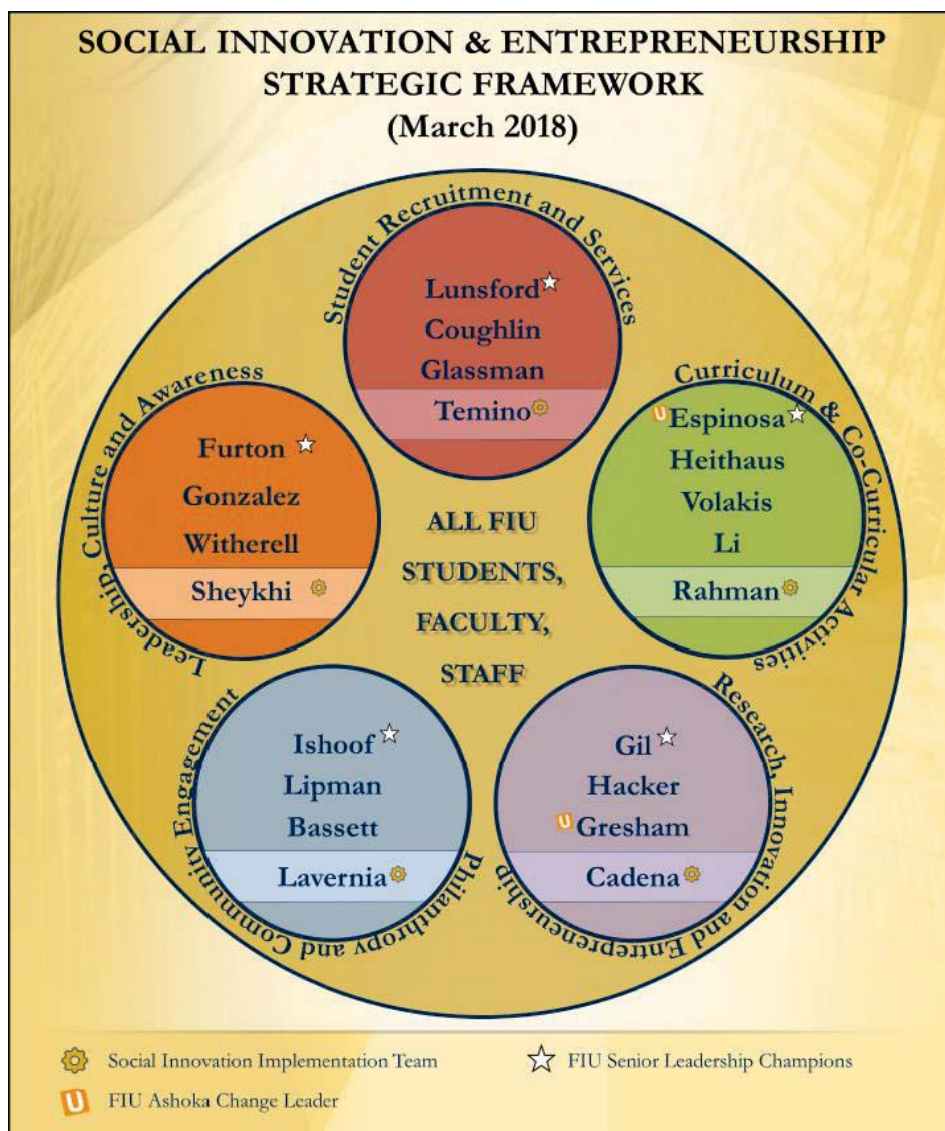


Figure 1: Social Innovation and Entrepreneurship Framework

The Research Advocacy project plan saw continued emphasis on FIU's Preeminent Programs. Four new programs were designated in April of 2018 to make a combined total of thirteen Preeminent and Emerging Preeminent Programs. The Office of the Provost, External Relations, the Office of Advancement, and the Office of Research and Economic Development are working together to provide the best possible support for all Preeminent and Preeminent programs, including but not limited to: (1) meetings with directors and their teams in order to facilitate their access to university resources, (2) planning and holding seminars with active participation of internal colleagues,

external partners, and relevant industrial, scientific and philanthropic agencies in the community, (3) development of promotional campaigns and outreach strategies to encourage collaboration and participation, and (4) supporting directors to expand their work as well as their network through preparation programs and out-of-state representation opportunities.

FIU's Preeminent and Emerging Preeminent Programs

Preeminent Programs

1. Bridge Engineering
2. Center for Children and Families
3. Extreme Events Institute
4. Forensic Institute for Research, Service and Technology (FIRST)*
5. Institute for Water and the Environment
6. STEM Transformation Institute

Emerging Preeminent Programs:

1. Brain Behavior and the Environment
2. Cyber@FIU*
3. FIU Tropics
4. Health Disparities
5. Latin American Caribbean Center
6. Molecular Discoveries*
7. Wolfsonian and Public History/Humanities Lab*

**newly designated in 2018*

Our Prior Learning Assessment (PLA) project plan is moving towards implementing PLA mechanisms within majors such as nursing and interdisciplinary studies. The PLA project is now aiming to expand PLA offerings to military funded testing sites and PLA acceptance of ACE credit recommendations.

Another leading project is Expand the Use of Learning Assistants, with more than 20% progress within the last quarter, specifically through initiation of their data-gathering efforts on the impact of LA's in the classroom. This will enable FIU to analyze the impact of LA's on student success and to plan for the best possible use of this resource in targeting difficult academic content. Next steps will include expansion of LA use across the university and development of a data dashboard focused on Learning Assistants to help educators enhance the classroom experience for their students.

The Office of Scholarships project plan has worked with colleges across the University to ensure the most effective and efficient use of scholarship dollars for our students. This has resulted in a significant improvement in the percentage of scholarship dollars used, from just 42% in 2017 to 69% in 2018. The ultimate goal of this office is to achieve 100% use of these funds on an annual basis to ensure that as many students receive financial assistance as possible.

2. FIU ComPASS

FIU's Communication Protocol for Accountability and Strategic Support (ComPASS) was developed in 2016 to aid in the University's achievement of its FIUBeyondPossible2020 Performance Funding goals. ComPASS is comprised of a series of meetings that monitor the University's immediate instructional, curricular, and operational needs and their impact on FIU's mission and position relative to the State's Performance Funding Model. More specifically, ComPASS sessions focus on three target areas of strategic planning; Completion and Employment, Strategic Enrollment and Research and Revenue. Through these sessions, FIU is able to bridge increasing accountability demands with opportunities for improvement at the University and individual unit level. Thus far, the University has held five successful ComPASS meetings involving the President, Provost, Vice Presidents, Deans, Chairs, and college staff.

The first ComPASS cycle began in 2016, and consisted of three individual sessions held in the Spring, Summer and Fall terms. These sessions focused on the following areas: Completion and Employment, Research and Revenue and Strategic Enrollment. ComPASS is now in its third year and the 2018 cycle began on April 27, 2018, focusing on Completion and Employment. The format of the session has been refined to allow the most effective presentation that allows responses and action to immediate challenges facing each college. The Honors college was tasked with presenting alongside each of the other academic colleges in an attempt to underscore the importance of Honors students and their collective impact on the college's metrics. The Completion and Employment ComPASS session was also marked by the assistance of Grant Thornton, one of the world's leading advisory firms, that was contracted to develop the most effective and efficient approach to ComPASS through an analysis of university wide data analytics methods.

II. ACADEMIC AND CAREER SUCCESS

1. Division of Academic and Career Success

In an effort to coordinate and accelerate our ongoing student success initiatives, we have recently reorganized several of our existing units into a new unified division under the leadership of the Associate Provost for Academic and Career Success. The new division will oversee Advising and Career Services and will be responsible for creating a coordinated approach to student support. By leveraging predictive analytics and integrated technologies, this new unit will be able to work collaboratively across the university to identify the obstacles to students' success, design innovative solutions, and optimize student success initiatives. The Associate Provost is also tasked with developing a unifying strategy for increasing synergy and collaboration across units to incubate and implement initiatives designed to increase retention, graduation, and career readiness.

One of the primary goals for the new unit will be to coordinate the University's support to our students. The support teams will include not only the advising, coaching, and career staff within the new unit but other key support areas such as faculty, tutors, OneStop and Financial Aid staff, housing, and Counseling and Psychological Services (CAPS). As we launch the new EAB tool university-wide, we can begin to develop protocol and best-practices for a more collaborative support for our students.

2. EAB Student Success Collaborative (SSC)

Academic and Career Success will be piloting the EAB SSC Advisor module during the Summer 18 session. Advisors in the College of Arts, Sciences and Education and the College of Business will be piloting the advising workload management features and the student appointment scheduling feature. Full rollout of those components will be implemented in Fall 18. Further development of the analytics capabilities and the full support team case management features within EAB will be developed during the Fall semester.

III. ENGAGEMENT

1. Talent Development Network

The Talent Development Network (TDN) continues to excel in its core goal of creating new industry specific internships.

- On Tuesday, March 6, 2018 the Talent Development Network hosted the 2nd Annual Speed Networking event, as part of the One Community One Goal Access Breakfast Series. It was an opportunity for students to engage in one-on-one speed networking with employers seeking top talent, build relationships and even land an internship.

After speed networking session, Alberto Carvalho, Superintendent of Miami-Dade County Public Schools, Rick Beasley, Executive Director of CareerSource South Florida, and Michael Finney, President & CEO of Miami-Dade Beacon Council joined an interactive panel discussion exploring the Future of Workforce, Unlocking Human Potential, and Strengthening the Talent Pipeline.

- On Thursday, March 29, 2018 TDN hosted a Summer Startup Internship Fair at The Venture Café Miami Thursday Gathering. The Summer Startup Internship Fair connected South Florida high school, college, and university students with for-profit and non-profit startup host companies for internships that cultivate professional development, build connections, and create opportunities.

TDN statistics as of April 2018:

Students: 1467

Job postings: 531

Companies offering internships: 388

2. Maya Angelou Community Breakfast

This past April 4th, Facebook's Strategic Partnership Manager joined more than 100 community leaders in Little Haiti including Maya Angelou's grandson, Elliott Jones; Vice President for Engagement, Saif Y. Ishoof; Education Effect Director, Dr. Donnie Hale Jr.; the director of the Sant La Haitian Neighborhood Center, Gepsie Metellus; and the philanthropist who helped launch the Education Effect in Little Haiti, Rose Ellen Greene; for a day of reflection and

celebration in honor of Maya Angelou on what would have been her 90th birthday.

Bringing together some of Little Haiti's most influential and impactful community leaders, the breakfast was an opportunity to share and celebrate successes, discuss innovations and opportunities to collaborate, honor the important black women who have helped shape American history, and learn about the work FIU is doing in Little Haiti.

3. Life Sciences South Florida (LSSF) Undergraduate STEM Symposium

On Saturday, March 24, 2018, undergraduate researchers from universities across South Florida attended LSSF's Undergraduate Research Symposium. The 2018 symposium was our 6th annual convening, allowing undergraduates to present research and network with like-minded colleagues and mentors from different institutions. This year's symposium, hosted at FIU, welcomed more than 100 students from 11 South Florida colleges and universities. LSSF, whose members include Torrey Pines Institute for Molecular Studies and the Beacon Council, among other top educational, economic development and research institutes in the region, uses the symposium as a source of inspiration, encouraging students to join STEM fields. Launched in 2010 and chaired by President Mark B. Rosenberg, LSSF is overseen by FIU's Office of Engagement. Other members institutions include: FIU, FAU, Miami Dade College, Nova Southeastern University, Indian River State College, Broward College, St. Thomas University, Palm Beach State College, Florida Gulf Coast University, Florida Memorial University, Barry University, and the University of Miami.

The symposium serves as an opportunity for students to highlight their research and develop presentation skills. This year's symposium presented an opportunity for students to engage with past symposium winners and learn about next steps in education and career. Previous years' symposium winners have continued on to create change and contribute to innovation in the life science and STEM community. 2017 symposium winners Taaha Mendha and Leidy Gonzalez returned to share their post-graduation experiences.

Winners of the symposium earned technology prizes, including iPads, Beats headphones, and Apple TVs. All participants were entered into a raffle for HP printers, sponsored by FIU's Business Services. Symposium costs were paid for by LSSF member institutions. Additionally, all participants received certificates of participation.

4. Veteran's Day Breakfast

The second Veterans Day Celebration Breakfast held on November 9, 2017 at FIU, and was aimed at recognizing the more than 52,000 veterans in the South Florida community, and more than a thousand veterans who currently attend FIU. FIU's Office of Engagement joined forces with the Office of Veteran and Military Affairs, the Greater Miami Chamber of Commerce Veteran's Committee to welcome more than 250 student and community veterans, who got the opportunity to hear from prominent veterans.

President Mark B. Rosenberg paid tribute to Michael Felsberg during FIU's Veterans Day Celebration Breakfast and announced the plans for the memorial plaza. Named in honor of Felsberg, an accomplished student-athlete and second lieutenant in the U.S. Marine Corps, the plaza will serve as a gathering place for the community to pay tribute to FIU veterans.

The keynote address was provided by SOUTHCOM Military Deputy Commander Joseph P. DiSalvo.

5. Community Connections

The inaugural Tostada Tuesdays event continues to be held on the second Tuesday of every other month. This community-building event brings together the greater FIU community and local stakeholders to network, learn, grow, and break bread (or tostadas) together.

As our university pursues the renewal of our Carnegie Community Engagement classification in 2020, it is settings like Tostada Tuesdays that facilitate impactful touch points leading to the fulfillment of our *FIUBeyondPossible2020* Plan.

IV. ENROLLMENT MANAGEMENT AND SERVICES

1. Enrollment

On Saturday, April 7, FIU hosted the largest admitted student day on record. The event began at the Ocean Bank Convocation Center (FIU Arena) with over 2,700 admitted FTIC and transfer students and guests in attendance. Participants were treated to breakfast, participated in academic information sessions, took campus and residence hall tours, and met with representatives from campus life and Student Affairs. All activities for the event were hosted on the West side of campus. There were 388 students who submitted an RSVP but had not yet submitted a deposit; 65 deposits were collected during Admitted Student Day.

Early Fall/Summer 2018

As of April 11, 2018, we have admitted 115% or 3499 more students to the Early Fall term over point in time last year. We stopped taking applications for the term on March 15. In addition, we are ahead 118% or 1242 matriculated FTIC over point in time last year.

Also as of April 11, 2018, we are ahead in transfer matriculation. There has been an 18% increase or 206 more deposits from transfer students over point in time.

Fall 2018

As of April 19, 2018, we are down 43% in matriculated students for Fall 2018 as intended based on our admissions pathways; 1104 FTIC have made deposits this year. Admission to FIU is selective and the average GPA of admitted FTIC is 4.18. The average SAT is currently just over 1280 and the average ACT is 28. We will close the application for fall term on April 15 and the term will close on May 1.

Also as of April 11, 2018, we are ahead in transfer matriculation. There has been a 5% increase or 46 more deposits from transfer students over point in time. There has also been an enrollment increase of 14% or 10 students.

2. Office of Graduate and International Admissions and Recruitment Services (GIARS)

International Admissions

As of April 6, 2018, the international undergraduate admissions effort, in terms of both the FTIC and transfer, is strongly trending ahead of last year. For the academic year 2018-2019, a point in time comparison indicates that FTIC matriculated student numbers are up 89% (77 FTIC all terms) and transfer students are up 19% (19 transfer all terms). Increases are a result of captured efficiencies across the recruitment and evaluation process, improved communications and targeted outreach efforts.

Fall 2018 Point in Time Comparisons 4/6/2018

		Fall 2017	Fall 2018	Difference	% Difference
FTIC	Applied	1,070	968	-102	-10%
	Admitted	237	316	79	33%
	Matriculated	47	53	41	87%
Transfer	Applied	777	788	11	1%
	Admitted	113	177	64	57%

Matriculated	47	56	9	19%
--------------	----	----	---	-----

In terms of graduate comparisons, we have not reached a point in the enrollment cycle that allows to determine trends with confidence. Graduate admissions continues through July. Currently, PhD applications are currently up 6% and the number of admitted and enrolled students is anticipated to meet the Fall 2017 totals. Master's applications are down; however, programs are continuing to admit international students. It is likely the international master's numbers will drop slightly mirroring national trends.

Fall 2018 Point in Time Comparison to Fall 2017 Totals

		Fall 2017 Total	PIT Fall 2018	Difference	% Difference
Masters	Applied	1,805	1,318	-487	-27%
	Admitted	754	410	-344	-46%
	Enrolled	289	2	-287	
PhD	Applied	831	879	48	6%
	Admitted	184	141	-43	-23%
	Enrolled	89	1	-88	

3. Financial Aid

New Student Aid Awards

Awarding for all new incoming students began on December 28, 2017, the earliest ever at FIU and a full 6 weeks earlier than the prior year. The change in emphasis on the Fall 2018 freshman class has meant that early awards were key in meeting Emerging Preeminence goals. The table shows the number of new students packaged as of April 9, 2018 as compared to last year. It is important to note the planned reduction in number of new Freshman for Fall 2018 (~1,250) vs Fall 2017 (~2,500) which is in line with our admission pathways.

Comparison of Awards as of 4/9/2017-2018

Awarding Group	2017	2018
Early Fall Freshmen	812	1,453
Fall Freshmen	3,981	2,643
Fall Transfers	1,282	1,081
<i>Total</i>	<i>6,075</i>	<i>5,177</i>

FAFSA Campaign

The Free Application for Federal Student Aid (FAFSA) became available for the 2018-2019 school year on October 1, 2017. A comprehensive awareness campaign is ongoing to inform current and prospective FIU students of the importance of filing the FAFSA by our March 1 Priority Deadline.

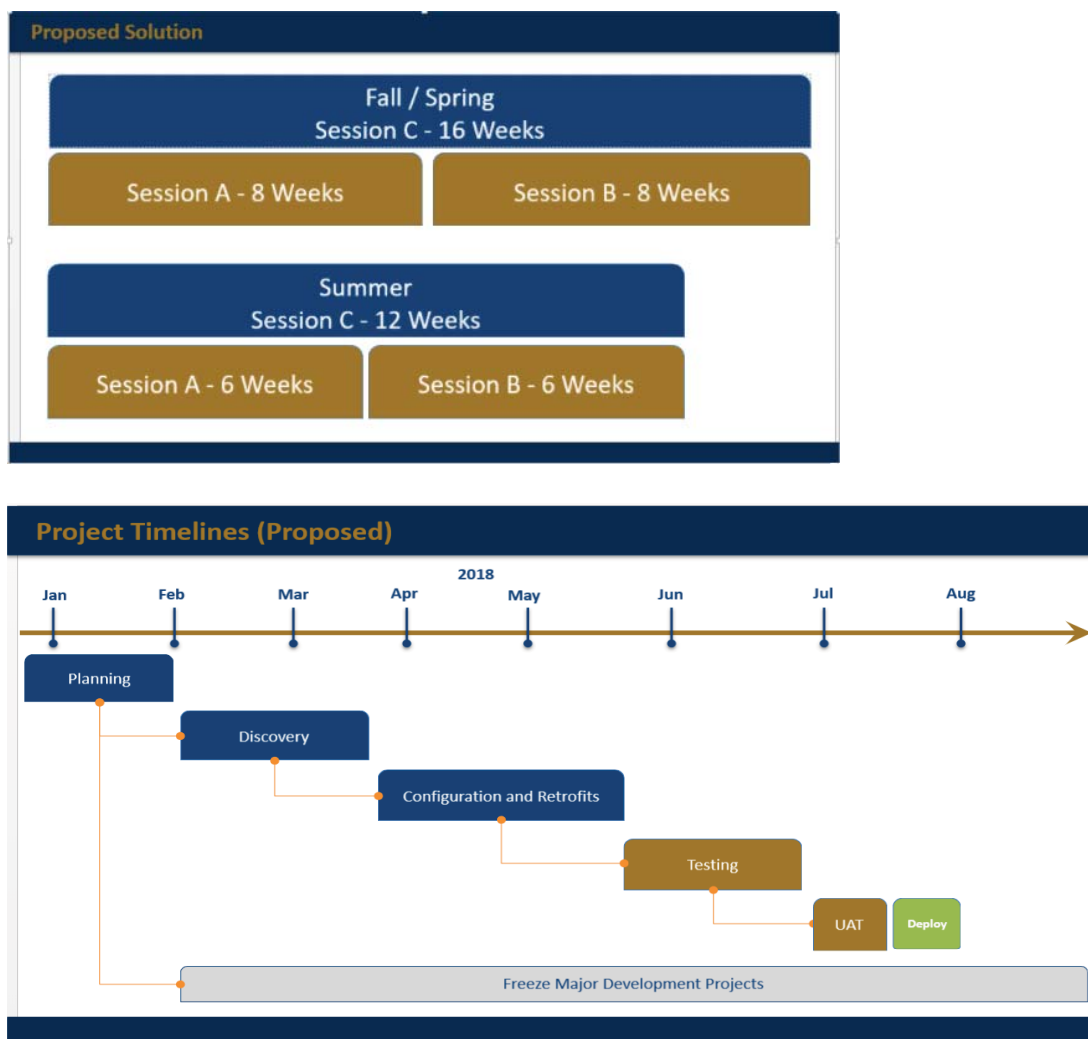
Results of our FAFSA Campaign have exceeded our expectations. By the March 1, 2018 priority deadline, 6,417 more students filed their FAFSA's for the 2018-2019 school year than filed for the 2017-2018 school year on March 1, 2017. This is a 14.7% year over year increase. The Early FAFSA has proven to greatly affect student behavior. Enrollment Services will be concentrating on ensuring students complete any outstanding requests for data to ensure awards are made and students are aware of their funding for next Fall by early this summer.

4. Office of Scholarships

The Office of Scholarships assisted 800 students in applying for Fall 2018-Spring 2019 scholarships resulting in over \$300,000 awarded in scholarship aid. We are currently working on centralizing scholarships throughout the university to be administered through our office to maximize dollars awarded and reduce administrative burden. We are also guiding over 170 Puerto Rico students in transitioning to FIU. Lastly, we managed the awarding of \$3.5 million dollars in first generation scholarships.

5. Office of the Registrar

We are currently working with consultants on adding additional term sessions for the fall and spring term. This will include two new 7-week sessions in addition to the existing 16-week session in the fall and spring terms (i.e. session within term redesign). This reform initiative will diminish the requirement for ad-hoc, dynamic class sections that do not benefit from our administrative and automated systems. We will launch a complete pilot for the second half of fall 2018, and we expect the new calendar to be functional by the spring 2019 term.



Waitlist

We piloted the waitlist functionality in spring 2018 (152 course sections). During this pilot run, 1,183 students used the waitlist 1,506 times which resulted in 734 actual enrollments. College representatives from our implementation team reported high levels of satisfaction with the pilot, and we launched waitlist across all undergraduate course sections offered in the summer 2018 and fall 2018 terms.

6. OneStop

During the first three months of the Spring 2018, One Stop completed over 76,642 points of service through in-person, on-phone, on-line chat, and via email regarding Financial Aid, Registration, and Admissions. This total exceeds the previous year customer service by over 2,365 student cases, an increase of 3.18%.

The electronic line management system for in-person interactions has been highly successful at both campuses as it provides students flexibility to complete other tasks while waiting. Over 16,692 students used the electronic service at MMC from Jan. -March and, 3,902 at the BBC campus. All students must use the system to meet with a Onestop representative.

In addition to the information desk, we now use the multi-purpose room during peak times to provide a pleasant space for students who signed into the student line management queue. One Stop now publishes the average wait time for MMC and BBC (in person and on phones) on our website in real time, so that students are aware of the wait time prior to arriving at One Stop.

V. INFORMATION TECHNOLOGY

1. Chatbot and Artificial Intelligence

The Division of IT has deployed online chatbots, allowing for extended coverage and customer service efforts to specific areas of the University. These chatbots use both rational content grouping as well as natural language processing to assist customers with general and in-depth questions about FIU's services. The future interactivity of these chatbots will allow integration to FIU's administrative and operational systems for personal authentication, gathering potential prospect information, displaying course and catalog information, providing students with up-to-date financial aid, courses, account information and more. Chatbots are currently in use by the Division of Information Technology and Division of Human Resources. Additionally, the Division of IT has deployed a connected virtual assistant through Amazon's Alexa platform. The base deployment includes integration to FIU news, general university facts, places like restaurants and services, and information from FIU's phonebook. Through developed analytics and data, FIU can improve and shape the Artificial Intelligence to better serve constituents by integrating to administrative and operational systems of the university. This will allow for more personal and informative interactions.

2. Attendance Solution Pilot

Understanding the impact attendance has on student engagement, the Division of IT along with Academic Affairs is piloting a cloud-based attendance tracking solution that will help drive student engagement from orientation to graduation. With the use of a mobile application, students are able to scan a QR code in each

classroom to mark themselves present. Real-time analytics integrates with the University's Learning Management System (LMS) allowing faculty to view and augment attendance data. Currently, there are 12 classrooms equipped with the attendance technology. During the summer, this technology will extend to 25 classroom servicing 50-60 courses.

3. NIST's National Initiative for Cybersecurity Education (NICE) Conference

A recent proposal submitted in collaboration with the Steven J. Green School of International and Public Affairs, School of Computing and Information Sciences, Division of Information Technology, and New America's Cyber Initiative was awarded to bring the United States Department of Commerce's National Institute of Standards and Technology's (NIST) National Initiative for Cybersecurity Education Annual Conferences to our FIU from 2018 to 2022. The focus is centered on learning and skills development to target the current and emerging shortage of a skilled and diverse cybersecurity workforce; nurture a diverse learning community; support employers' capacity to address market demands; and enhance the recruitment, hiring, development, and retention of cybersecurity talent. FIU's current partnerships with 175 universities in the US and over 70 universities across the globe allows us to tap into networks and market and promote the NICE conference and strategic goals. Additionally, we currently collaborate with numerous public and private organizations to advance cybersecurity workforce development efforts and increase the inclusion of women and minorities in cybersecurity strategies. FIU is in an optimal physical and strategic position to ensure we meet the growing demands of a developed and diverse cybersecurity workforce. Our continuing partnership and collaboration with NIST allows us to better understand the NIST Cybersecurity Framework and the governance surrounding Special Publication 800-171 in order to meet regulations and IT Security compliance.

VI. RESEARCH AND ECONOMIC DEVELOPMENT / UNIVERSITY GRADUATE SCHOOL

1. External Grant Awards' Performance

The value of awards received through March 31, 2018 is 13% higher when compared with the same period last year (\$88.46M vs. \$78.5M). Facilities and administrative rate remained the same at 20%. During the period between July and March, the distribution of funds received by source remained almost the same for last and the current fiscal year: federal sources 81%-82%; private/other sources 8%-9%; state and local government 11%-9%, respectively. Notable increases include the Steven J. Green School of International and Public Affairs

(\$5M, 155% increase); the Robert Stempel College of Public Health & Social Work (\$7.53M, 35% increase); and the College of Engineering and Computing (\$19.3M, 32% increase). Among centers and institutes, the Applied Research Center has received \$5.67M (85% increase), FIU-BRIDGE \$3.15M (357% increase); International Forensic Research Institute \$1.16M (272% increase), and the Center for the Administration of Justice \$1.7M (6993% increase).

2. Key Awards during Q3 (Jan-March) of FY 2017-2018

- Diana Azzam, Florida Department of Health, \$700,000, to guide decision-making in unmanageable pediatric cancers by selecting FDA-approved oncology drugs, and create a compendium of drug responses in individual patients, match actionable mutations with selective targeted therapies, and clinically apply individual treatment for refractory patients with no alternative options.
- Elizabeth Bejar, Mellon Foundation, \$725,000, to strategically enhance the humanities across two of the largest and most diverse higher education institutions in the country (FIU and MDC), and strengthen transitions for aspiring humanities students from MDC to FIU, as well as support ongoing pedagogical and research collaborations between faculty and students from both institutions.
- Brian Fonseca, NIST, \$250,000 (per year = \$1M for 4 years), for the National Initiative for Cybersecurity Education (NICE) Annual Conference, in order to engage a diverse group of public and private stakeholders from cybersecurity education, training and workforce development, as well as make the conference more accessible and affordable.
- Stavros Georgakopoulos, Air Force Office of Scientific Research, \$4.8M, to develop the Center for Physically Reconfigurable and Deployable Multifunctional Antennas, and create a disruptive class of antennas and radio frequency devices that can morph their shape and adapt their performance subject to prescribed or pre-selected criteria in a repeatable and predictable manner across defined timescales.
- Tomas Guilarte, National Institutes of Health, \$329,625, (per year = \$988K for 3 years), to study the role of manganese (Mn)-induced neurological dysfunction affecting, globally, millions of welders, smelters and miners who are chronically exposed, as well as those drinking water with naturally high Mn levels, in order to develop therapies for the treatment of Mn-induced neurological dysfunction.
- Besiki Kutateladze, MacArthur Foundation, \$814,427, in partnership with Loyola University Chicago, to implement a two-year data and policy analysis

project in four district/ state attorney's offices (Chicago, Jacksonville, Tampa and Portland, OR).

3. Innovation, Partnerships and Economic Development

During the third quarter of FY 2017-2018, Cohorts I, II and III of Empower achieved sales of over \$1,070,000. One company raised \$125,000 in new capital, and three companies are in active discussions and due diligence with equity investors. The companies created five new jobs during the period, offered eight student internships, and employed 13 FIU students and alumni. One company formed a new non-profit organization. Of the 66 companies that have participated in Empower since inception, 20 had women founders, 24 had Hispanic founders, and 12 other founders were from other minority groups. Four companies from the Cohorts were selected for 500 Startups (a well-known international accelerator program opening in Miami) Founder Boot Camp, which is a feeder event for their fall accelerator that includes funding for participants. StartUP FIU Food received a donation from Whole Foods of over \$40,000, further recognition of the strengthened relationship with this leading food supermarket chain. StartUP FIU is supporting four faculty in their commercialization efforts. One faculty is pursuing equity investment, one faculty is engaged in licensing their IP to commercialize it with a European partner, and two faculty are completing Cohort four and preparing for Pitch Day on May 1, 2018. Two of these faculty-led teams are also pursuing grants as a means to support their commercialization. StartUP FIU facilitated nine design thinking events for 225 attendees to foster innovation with students, staff and the community, is finalizing a course curriculum for Spring 2019 in entrepreneurship for environmental science, and developed the Entrepreneurship Module for the new Post Graduation Curriculum Course. Additionally, between January and March 218, FIU researchers disclosed 23 inventions, filed for 17 patents, and were issued 22 patents.

4. University Graduate School (UGS)

Domestic and international applications for all graduate programs have remained constant (0.96% decrease and 1.06% increase, respectively). Through the end of the third quarter, UGS received 2,333 applications for doctoral programs, a 0.26% increase when compared to last year. Thus far, we have admitted 315 doctoral students, a 17.10% increase compared to last year, and enrolled 431 (10% increase from last year). We have received 5,059 masters' applications, admitted 1,327 masters' students, and enrolled 3,293 (a 0.26% decrease, 4.24% increase and 7.21% decrease respectively). Graduate Student

Appreciation Week (GSAW) was held during the third week in March, and 116 graduate students from all colleges showcased their work in oral and poster presentations. The activities celebrating the graduate students included panel presentations on alternative career paths, social activities and culminated with the Provost Awards Ceremony. The latter recognized the students who won best oral and poster presentation awards as well as faculty and students who won awards for outstanding publications in STEM, community engagement, creative projects, teaching assistantship, mentorship and graduate program director. The Graduate School has implemented several initiatives aimed at reducing time-to-degree and recruitment of doctoral students. These include: (a) doubling the funding for Dissertation-Year-Fellowships, (b) changing the funding model for doctoral students, which is now based on program productivity (essentially, the more external funding sources, such as grants, the programs attain for doctoral students, the greater proportion of funding from the Graduate School the program will receive; and (c) reviewing and revising all Graduate School policies with the goal of increasing efficiencies and improving the quality of doctoral programs.

VII. STUDENT AFFAIRS

1. Student Learning Outcomes

A workgroup comprising staff members from various departments in the Division of Student Affairs, as well as from Career and Talent Development, spent the past year developing and packaging a set of student learning outcomes for use across the division. The “Panther Prepared” program is geared toward career readiness for FIU students and builds upon the competencies outlined by the [National Association of Colleges and Employers](#). Components of the program include: a student employee experience for students employed by departments across the Division (Panthers RISE - Readiness through Intentional Student Employment); an online self-assessment tool available to all students; and a web site offering a clearinghouse of programs and services from across the division that provide opportunities for students to gain exposure to or mastery of the various competencies.

The goal of these programs is to make students aware of the skills and competencies being sought by employers; identify their own level of competency through the self-assessment tool (which provides immediate results); and

connect them to opportunities for enhancement of these competency areas through involvement in numerous programs/services offered by departments throughout the Division. This program will ensure that FIU students have an awareness of career readiness skills needed to obtain jobs after graduation. It also provides resources for students to build upon and attends to the metrics around employment for graduates. Furthermore, using the self-assessment tool in conjunction with our student engagement will allow us to capture data on the impact of Divisional programs and services to student retention.

2. Fraternity and Sorority Life – Greek Reinstatement Process

Due to several cases of fraternity misconduct in the fall 2017, President Rosenberg placed a pause on all Greek activities from January 1-31, 2018. During this timeframe, fraternities and sororities were given detailed packet requirements to submit in writing to the Fraternity and Sorority Life (FSL) Reinstatement Committee. The FSL Reinstatement Committee is comprised of 18 staff and students from a variety of functional areas. Packets submitted by the deadline were reviewed, and groups with complete packets were approved to give a personal presentation of their information to the Fraternity and Sorority Life Reinstatement Committee. These packets focused on living and implementing the following FIU Values:

- Responsibility as stewards of the environment and citizens of the world
- Excellence: in intellectual, personal, academic, and operational endeavors
- Respect: for diversity and the dignity of the individual
- Truth: in the pursuit, generation, dissemination, and application of knowledge
- Freedom: of thought and expression

Round 1 presentations occurred on January 26 to 31. Of 21 groups approved to present to the committee, 16 were approved for reinstatement and five were referred to resubmit in February. Groups reinstated returned to full rights and privileges as recognized Greek organizations; however, President Rosenberg banned the use of alcohol at any event for the remainder of Spring semester. Round 2 presentations occurred on February 19 to 23. During this process, 10 groups were reinstated and eight groups were referred to resubmit during the final presentations. Round 3 presentation occurred on April 2 to April 6. During this round of presentations, three chapters were reinstated, and three chapters were not approved for reinstatement and lost official recognition at Florida

International University. Additionally, two chapters are still going through the reinstatement process.

Ongoing monthly culture shift workshops are being held with Greek council presidents, alumni, and advisors. Community Standards are being developed with chapters, alumni, and advisors. Residents of the two fraternity houses will be allowed to remain until the end of Spring semester, Chapter functions are prohibited in the houses. No decision has been made regarding the future of the houses.

A complete overview of the process and chapter statues can be found on Florida International University's Fraternity and Sorority Life [website](#).

3. Center for Leadership and Service – Student Food Pantry

On April 6, the Center for Leadership and Service held a ribbon cutting ceremony and open house for the new location of the Student Food Pantry. The former location of the Student Food Pantry at the Modesto A. Maidique Campus, Deuxieme Maison 166, opened in October of 2014. This new space, located in Graham Center 319, provides an additional 253 square feet of space and provides a more suitable space to serve students with food insecurities.

The Student Food Pantry is available to enrolled students and offers a variety of non-perishable food items, as well as toiletries. Students can receive up to 10 pounds of food on a weekly basis. Below is a breakdown of the pantry's usage and food distributed since October 2014.

- October 2014 – June 30, 2015: 210 visits = 1,940 pounds of food
- July 1, 2015 – June 30, 2016: 1,090 visits = 6,739 pounds of food
- July 1, 2016 – June 30, 2017: 1,295 visits = 9,390 pounds of food
- July 1, 2017 – March, 30, 2018: 1,392 visits = 8,486 pounds of food

Since 2014-2015, the usage of the pantry has increased by 472%, with a 400% increase in pounds of food distributed. The numbers of students seeking assistance from the pantry continue to rise as demonstrated in the usage per academic year data.

This page intentionally left blank