



**Preventing and Responding to Sex Offenses #185.003**

<b>INITIAL EFFECTIVE DATE:</b>	<b>LAST REVISION DATE:</b>	<b>RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT:</b>
January 1, 2017	September 30, 2022	University Police

**POLICY STATEMENT**

The University educates the student community about sexual assaults and date rape through mandatory freshman orientations each fall.

The FIUPD takes allegations of sexual misconduct seriously. All such allegations occurring within the jurisdiction of the FIUPD shall be investigated fully and persons found to be in violation of the Florida laws will be held accountable, including but not limited to, arrest and prosecution.

The FIU Police Department offers sexual assault education and information programs to university students and employees upon request. Literature on date-rape education, risk reduction and university response is available through the Office of Housing and Residential Life.

**SCOPE**

The scope of this policy includes students, faculty, staff and campus visitors. As officials of FIU and Police Officers of the State of Florida, pursuant to Florida Statutes §1012.97, and as defined in Florida Statutes §943.10, FIUPD officers are empowered to enforce the all laws of the State of Florida, and violations of county or city ordinances.

**REASON FOR POLICY**

Policy is in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (20 USC § 1092(f))

<b>DEFINITIONS</b>	
<b>TERM</b>	<b>DEFINITIONS</b>
Sexual Assault	Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
Rape	The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.



Fondling	The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
Incest	Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### ROLES AND RESPONSIBILITIES

As officials of FIU and Police Officers of the State of Florida, pursuant to Florida Statutes §1012.97, and as defined in Florida Statutes §943.10, FIUPD officers are empowered to enforce the all laws of the State of Florida, and violations of county or city ordinances.

FIUPD works with the Miami-Dade State Attorney’s Office, other law enforcement agencies, and various FIU stakeholders such as but not limited to, Victim Empowerment Advocate Counselors, the Title IX coordinator, the Office of Student Conduct and Academic Integrity, and the Behavioral Intervention Team, to ensure students are informed, protected, and care for in the event they are victims of Sexual Offenses.

### RELATED RESOURCES

The Handbook for Campus Safety and Security Reporting; 2016 Edition  
<https://www2.ed.gov/admins/lead/safety/handbook.pdf>

### CONTACTS

Anyone who has knowledge of or suspects that a sexual assault is or has taken place should contact the FIUPD at the non-emergency telephone number (305) 348-2626 or (305) 348-5911 for an emergency.

Questions about this policy should be directed to:

University Police Department  
Florida International University  
885 SW 109<sup>th</sup> Avenue  
PG-5 Market Station 2<sup>nd</sup> floor  
Miami, Florida 33199  
Telephone: (305) 348-4779

### HISTORY

**Initial Effective Date:** January 1, 2017

**Review Dates** (*review performed, no updates*): December 11, 2023

**Revision Dates** (*updates made to document*): November 17, 2020; September 30, 2022



**Preventing and Responding to Sex Offenses #185.003a**

<b>INITIAL EFFECTIVE DATE:</b>	<b>LAST REVISION DATE:</b>	<b>RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT</b>
January 1, 2017	November 17, 2020	University Police

**PROCEDURE STATEMENT**

If the student is a victim of a sexual assault at this university, his or her first priority should be to get to a place of safety. The student should then obtain necessary medical treatment. The FIU Police Department strongly advocates that a victim of a sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to an FIU police officer and/or a Residential Life representative. Filing a police report with an FIU police officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests at no expense to the victim;
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

When a sexual assault victim contacts the FIU Police Department, the Investigations unit will be notified as well. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the Student Conduct and Academic Integrity, or only the latter. The Title IX and Civil Rights Coordinator will also be informed about the sexual assault to ensure compliance with Title IX requirements. A university representative from the FIU Police Department or the Victim Empowerment Program will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the university through the Victim Empowerment Program, the Women’s Center, the Office of Employee Assistance, Student Health Center and Counseling and Psychological Services. Counseling and support services outside the university system can be obtained through the Roxcy Bolton Rape Treatment Center located at Jackson Memorial Hospital 1611 N.W. 12th Avenue, Miami, FL 33136 (305) 585-5186, 24-hour hotline (305) 585-7273.

Procedures for university disciplinary action in cases of an alleged sex offense, domestic/dating violence and stalking, include but are not limited to, entitling both the accuser



and the accused the same opportunities to have others present during a disciplinary proceeding, and to be informed of the outcome of any university disciplinary proceeding. The student and alleged victim may have an advisor of their choice but the advisor is not permitted to speak or participate directly. University disciplinary proceedings for cases involving sexual misconduct are detailed in the Student Handbook or online at [conduct.fiu.edu](http://conduct.fiu.edu). The university may extend a reasonably prompt timeframe for completing the proceedings for good cause with written notice to the accused student and alleged victim noting the reason for the delay. The university provides timely notice of any meeting at which the accused student, the alleged victim, or both may be present and provides timely access to the accused student, the alleged victim and appropriate official to any information that will be used during the disciplinary meeting and hearings. Student victims have the option to change their academic and/or on-campus living situations after an alleged sexual assault if such changes are reasonable. A student found responsible for violating the university's sexual misconduct policy may be suspended, placed on deferred suspension, probation, require a psychological evaluation, no contact order, removed from housing and/or expelled from the university. Additionally, there may be criminal sanctions.