Preventing andResponding to Sex Offenses

January 1, 2017

185.003

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

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 is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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 Conflict Resolution, or only the latter. The Title IX coordinator (director of the Office of Equal Opportunity Programs and Diversity- Shirlyon J. McWhorter, 305-348-2785) 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. 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.

HISTORY (R*)

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Office of Finance and Administration

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

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For any questions or comments, the “Document Details” view for this policy online provides complete contact information.

FORMS/ONLINE PROCESSES (O*)

Links to the above referenced Form(s) available in the "Document Details" Section of the online version of this policy document.

*R = Required  *O = Optional