UNIVERSITY OF MIAMI POLICY AND PROCEDURE MANUAL


CATEGORY: University-wide  PAGE: 1 of 8

APPROVER: Donna Shalala  SUPERSEDES: N/A
President

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PURPOSE

The University of Miami ("University") seeks to maintain a safe learning, living, and working environment. To that end, this policy prohibits sexual misconduct, which includes sexual harassment, sexual assault, relationship violence, and stalking. This policy also prohibits retaliation against an individual for making a good faith report of conduct prohibited under this policy.

The purpose of this policy is to provide a single document for students, employees, faculty and others affected by sexual misconduct to access information regarding: the University's rules and procedures and available University and community resources. This policy is part of the University's commitment to prevent sexual misconduct and to create an environment where all individuals know how to report an incident of sexual misconduct.

POLICY

It is the policy of the University that sexual misconduct committed by a student, employee, or faculty is strictly prohibited. For purposes of this policy, sexual misconduct includes the sexual harassment, sexual assault, dating and domestic violence, stalking, and retaliation (collectively referred to as "Prohibited Conduct"). Conduct under this policy is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the Complainant or the Respondent.

This policy applies to UM students ("Students"); UM employees, including all officers, professional staff and administrators ("Employees"); UM faculty, including adjunct and visiting faculty ("Faculty"); contractors, vendors, or other third parties within UM’s control ("Third Parties"); and visitors or guests of UM ("Guests"). Students, Employees, Faculty, Third Parties, Sexual Misconduct
and Guests are collectively referred to as a “Covered Person” or “Covered Persons”. This policy applies to acts committed by Covered Persons when:

(1) the conduct occurs on UM premises;

(2) the conduct occurs in the context of an UM employment or educational program or activity, including, but not limited to UM-sponsored study abroad, research, or internship programs; or

(3) the conduct occurs outside the context of an UM employment or educational program or activity, but has continuing adverse effects on UM premises or in any UM employment or educational program or activity.

Other forms of discrimination, including discrimination based on race, religion, national origin, age and disability, as well as any other form of sex-based discrimination not covered by this policy, are addressed by: (1) the University’s Equal Opportunity/Affirmative Action Policy; and (2) the Equal Opportunity/Non-Discrimination Policy in the Student Rights and Responsibility Handbook. This policy supersedes any conflicting information contained in those policies with respect to the definitions or procedures relating to the conduct prohibited by this policy.

DEFINITIONS

Complainant is defined as an individual who complains of sexual misconduct in the manner provided under this policy.

Consent is defined as intelligent, knowing, and voluntary agreement to engage in specific activity and shall not be construed to include submission obtained by force, intimidation, threat, blackmail, extortion, or any other method of coercion or duress. For purposes of this definition, “giving in” is not the same as providing consent.

Covered Person is defined as students, faculty, employees/staff of the University, as well as any other third party having business relations with the University or guest visiting the University.

Dating violence is defined as is violence committed by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Domestic violence is defined as abusive behavior that is used by an intimate partner to gain or maintain power and control over the intimate party and can take the form of assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, false imprisonment or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

Respondent is defined as the individual who is alleged to have engaged in sexual misconduct.

Retaliation is defined as any adverse action taken against an individual for making a good faith report of Prohibited Conduct or participating in any investigation or proceeding under this policy. Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy.
Sexual assault is defined as non-consensual, oral, anal, or vaginal penetration by or union with the sexual organ of another or by any other object. It also includes non-consensual sexual touching (fondling) or intentional contact with the breasts, buttocks, groin, or genitals.

Sexual harassment is defined as physical or verbal abuse of a sexual nature, including graphic commentaries about an individual’s body, sexually degrading remarks used to describe an individual, or unwelcome propositions or physical advances of a sexual nature. “Sexual harassment” also includes the threat or insinuation that sexual submission or the lack thereof will be used as a basis for employment or academic decisions affecting or interfering with an individual’s employment, academic standing, and/or academic or career development.

Stalking is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for her/his safety or the safety of others, or to suffer substantial emotional distress. “Stalking” includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

Title IX Coordinator is the University’s representative responsible for monitoring compliance with this policy, as well as related federal statutes and regulations concerning the prohibition of sexual misconduct in higher education. The Title IX Coordinator is also responsible for providing education, training, and notifications; overseeing complaints; and coordinating the University’s investigation, response, and resolution of all reports under this policy.

PROCEDURE

I. INVESTIGATION AND ADJUDICATIVE PROCESSES

A. FILING A COMPLAINT

Generally, the process for investigating complaints of Prohibited Conduct is determined by the status of the Respondent, as set forth below.

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<thead>
<tr>
<th>Complainant:</th>
<th>Respondent:</th>
<th>Entity Responsible for Investigation:</th>
<th>Entity’s Contact Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student</td>
<td>Student</td>
<td>Dean of Students</td>
<td>(305) 284-4551</td>
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<tr>
<td>Law students</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Medical students</td>
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<td></td>
<td></td>
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<tr>
<td>All other students</td>
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<td></td>
<td></td>
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<tr>
<td>Student</td>
<td>Faculty</td>
<td>Workplace Equity and Performance</td>
<td>(305) 284-3064</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office of Vice Provost for Faculty Affairs</td>
<td>(305) 284-2002</td>
</tr>
<tr>
<td>Student</td>
<td>Employee/Staff/Third Parties/Guests</td>
<td>Workplace Equity and Performance</td>
<td>(305) 284-3064</td>
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