

TITLE IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.”

-Title IX of the Education Amendments of 1972

The Commitment

Title IX prohibits discrimination on the basis of sex/gender in educational programs and activities receiving federal financial assistance. FIU is committed to providing an environment free of discrimination on the basis of sex/gender, including sexual harassment, sexual misconduct, sexual assault, relationship (dating and domestic) violence, and stalking. FIU provides resources and reporting options to students, faculty, and staff to address concerns related to sexual harassment and sexual violence prohibited by Title IX and university policy. Title IX requires all recipients of federal funding to have a Title IX Coordinator.

The Process

At FIU, all complaints related to harassment and discrimination are addressed and investigated in a fair and equitable manner. The investigation will include interviews of the person bringing the allegations (complainant), witnesses and the accused party, as well as analysis of documents and other relevant information.

After a review of the information and facts of a complaint, the individual who made the report and the accused individual will be advised of the results of the investigation. Any discipline issued to a student will be subject to procedures as outlined in the Code of Student Conduct. Any employee who is found to have engaged in conduct prohibited by university policy will be subject to appropriate disciplinary action, up to and including termination of employment.

In addition, appropriate corrective measures will be taken when a consultant, vendor, contractor, visitor or other person is found to have engaged in conduct prohibited by this policy. In addition, individuals may be subject to criminal charges.

How do I file a Title IX complaint?

To file a written complaint of discrimination or misconduct, complete the Discrimination Complaint Form here. You may email, fax, mail or hand-deliver it to the Title IX Coordinator.

<i>In Person:</i>	<i>Via Email:</i>	<i>Anonymously:</i>
Office of Equal Opportunity Programs & Diversity PC 321 eopd@fiu.edu (305) 348-2785	eopd@fiu.edu	You may file an anonymous complaint using our Ethical Panther Reporting Line, Convercent, by calling 844-312-5358. Or online at https://compliance.fiu.edu/hotline.html

You may file a complaint with one of the Title IX coordinators listed below.

Title IX Coordinator
 Shirlyon J. McWhorter, Esq.
 (305) 348-2785
eopd@fiu.edu

Deputy Title IX Coordinators:

<i>For reports or inquiries of gender inequity or gender-based misconduct concerning faculty, staff, and outside contractors, visitors or vendors:</i>	<i>For reports or inquiries of gender inequity or gender-based misconduct involving athletics:</i>	<i>For reports or inquiries of gender inequity or gender-based misconduct concerning students:</i>
Marlynn Jones	Julie Berg	Kristen Kawczynski
Assistant Director, Office of Equal Opportunity Programs & Diversity	Senior Associate Athletic Director	Director, Student Conduct & Conflict Resolution
PC 321	USCBA 202A	GC311A
marjones@fiu.edu	bergj@fiu.edu	kristin.kawczynski@fiu.edu
(305) 348-2356	(305) 348-2352	(305) 348-3939

Equal Opportunity Programs and Diversity

The EOPD Discrimination Complaint Form can be found [here](#).

Student Conduct & Conflict Resolution

The Student Code of Conduct, Harassment and Discrimination Complaint Form can be found [here](#).

Privacy vs. Confidentiality

Privacy: For the purposes of the policy, privacy generally means that information related to a report of prohibited conduct will be shared with a limited circle of individuals who “need to know” in order to assist in the review, investigation, and resolution of the report, and related issues.

Confidentiality: For the purposes of the policy, confidentiality means that designated campus or community professionals cannot reveal identifiable information shared by an individual to any other person without express permission of the individual, or as otherwise permitted or required by law.

Sexual Harassment & Sexual Violence Defined

Gender discrimination is unequal or disadvantageous treatment of a group or an individual based on gender. Sexual harassment is a form of gender discrimination.

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature, including sexual misconduct or exploitation when:

- Submission to such conduct is a condition for employment, promotion, grades, or academics
- Submission to or rejection of such conduct is used as the basis for employment or academic or other decisions affecting an individual
- Such conduct is so severe or pervasive that it substantially interferes with the individual's employment, education or access to university programs, activities, and opportunities.

Sexual Violence is a severe form of sexual harassment, and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion, or similar acts in violation of state or federal law.

Examples of Sexual Harassment & Sexual Violence

- Pressure for sexual activity
- Requests for sexual favors
- Unwelcome patting, hugging, or touching of a person's body, hair, or clothing
- Sexual innuendos, jokes, or comments
- Disparaging remarks to a person about her/his gender or body
- Sexual graffiti or visuals
- Asking about a person's sexual fantasies, sexual preferences, or sexual activities
- Repeatedly asking for a date after the person has expressed disinterest
- Making sexual gestures with hands or through body movements
- Offensive letters, email, text messages, posts on social networking sites, internet images or transmissions, or voicemail messages.
- Dating violence, sexual assault, sexual battery, and rape

These examples are not all-inclusive of the types of conduct that may constitute sexual harassment & sexual violence. This behavior can occur regardless of the relationship, position and respective sex of the parties. Same-gender harassment violates FIU's policy just as harassment by a subordinate employee of his/her supervisor.

Reporting Discrimination, Harassment and Sexual Misconduct

FIU is committed to providing a campus climate free from illegal discrimination and/or harassment. Anyone within our campus community that has witnessed or experienced sexual harassment, discrimination, or any form of sexual violence can speak with any Title IX coordinators.

The Title IX and Equal Opportunity Coordinator oversees all discrimination, harassment and sexual misconduct complaints made by employees, students and visitors. The Vice-President of Human Resources has designated Shirlyon McWhorter, Director of Equal Opportunity Programs and Diversity, as the Title IX Coordinator. Contexts In Which Title IX Applies:

Title IX applies to all university services and academic programs both on and off campus including, but not limited to:

- Admissions
- Financial aid
- Class assignments & course offerings
- Academic advising & instruction
- Evaluation & grading
- Discipline
- Athletics
- Housing
- Health and counseling services
- Recreational, residential life & extracurricular services and programs
- Employment of faculty, staff and graduate assistants, including the recruitment, consideration and selection processes.

The Impact of Sexual Violence

Every person is unique and survivors of sexual violence will react and respond to their experience of sexual violence in different ways. It is not uncommon for survivors to have a range of emotions, psychological and/or physical reactions as a result of sexual violence (i.e., sexual harassment or rape). Some individuals may report their incident immediately, while others may wait days, weeks or even months before talking to anyone about it. Regardless of whether a survivor reports her/his incident, whether it occurred on or off campus, or if it was recent or in the past, the effects of sexual violence can negatively impact how survivors function on a day-to-day basis (i.e., personal well-being, success at school, or work).

Survivors of sexual violence may experience, but not be limited to, one or more of the following:

Emotional and Psychological Effects

- Guilt, shame, self-blame
- Shock, disbelief
- Fear, anxiety, or stress
- Feelings of lack of control
- Anger, hostility, or aggression
- Depression
- Difficulty concentrating
- Interpersonal problems
- Flashbacks, panic attacks
- Low self-esteem, social withdrawal

Physical Effects

- Physical injury
- Concerns about physical safety
- Concerns about pregnancy or contracting an STI or HIV
- Changes in physical appearance
- Changes in eating or sleeping patterns

What to do if you are a victim of sexual assault:

Get to a safe place.

Talk to someone you trust. Sexual assault advocates are available through the Women's Center. The advocate can discuss your options and refer you to other services. All identifying information is confidential.

Preserve physical evidence. If at all possible, do not bathe, change clothing, use the restroom or brush your teeth.

Seek medical attention. Medical services are provided at Student Health Services. For severe injuries call 911 immediately.

Seek counseling. The trauma of sexual assault can be debilitating to survivors. Through the Counseling & Psychological Services Center free and confidential counseling is available to all students.

Report the incident. Students are encouraged to report incidents of sexual assault to the FIU Police Department.

Note: Retaliation against anyone who reports sexual harassment is strictly prohibited. Anyone responsible for retaliation, including the accused party or someone affiliated with the accused party, will be subject to disciplinary action by the university.

Note: Conduct prohibited by Title IX may also implicate other state or federal laws. Making a complaint to the Title IX Coordinator does not replace the complainant's right to pursue other options or remedies under the law, nor does it satisfy any timeliness requirements for asserting a claim under state or federal law.

For more information, please visit our FAQs page.