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Sexual Misconduct and Title IX

Sexual Harassment

Harassment is a form of discrimination that encompasses unwelcome conduct based on a person's protected status. Harassment in violation of FIU-105 depends on the totality of the circumstances, including the nature, frequency, and duration of the conduct in question, the location and context in which it occurs, and the status of the individuals involved. Harassing behaviors may include, but are not limited to:

- Conduct, whether verbal, physical, written, graphic, or electronic that threatens, intimidates, offends, belittles, denigrates, or shows an aversion toward an individual or

group.

- Epithets, slurs, negative stereotyping, jokes, or nicknames.
- Written, printed, or graphic material that contains offensive, denigrating, or demeaning comments or pictures.
- The display of offensive, denigrating, or demeaning objects, e-mails, text messages, or cell phone images.

If any student, employee, or applicant has a good faith belief that they have been harassed or discriminated against by an employee based on age, color, disability, gender, marital status, military status, national origin, race, religion, or any other protected category, the Office of Civil Rights Compliance and Accessibility (CRCA) encourages them to fill out the Discrimination, Harassment, and Retaliation Reporting Form. CRCA will investigate the complaint in accordance with university policy and procedures.

If you are a student who wishes to file a complaint of sexual harassment against a student, you may do so with Student Conduct and Conflict Resolution.

Title IX

Florida International University (FIU) is committed to encouraging and sustaining a learning and living environment that is free from discrimination based on sex including gender, gender expression, gender identity, and sexual orientation. In accordance with Title IX, as a recipient of Federal financial aid, FIU does not discriminate on the basis of sex in education programs and activities. FIU is committed to the safety and well-being of all members of the University community, and encourages anyone who experiences or witnesses discrimination, harassment or sexual misconduct in connection with academic, education, extracurricular, athletic, or other programs of the school to report the incident.

“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 education program or activity receiving Federal financial assistance.”

Title IX of the Education Amendments of 1972, and its implementing regulations at 34 C.F.R. Part 106 (Title IX).



FIU is an institutional member of the Student Conduct Institute.

[Access the Student Conduct Institute's Title IX training](#)

Regulation FIU-105: Sexual Harassment (Title IX) and Sexual Misconduct

The University has developed the Regulation [FIU-105: Sexual Harassment \(Title IX\) and Sexual Misconduct](#), which prohibits discrimination based on sex, applicable to the entire University community, consistent with Title IX of the Education Amendments of 1972, relevant provisions of the Violence Against Women Reauthorization Act of 2013 (VAWA), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), along with all applicable implementing regulations, and other applicable federal and state laws.

On August 14, 2020, following guidance from the U.S. Department of Education, FIU published an updated regulation which includes:

- an updated definition of sexual harassment
- an outline of the process for filing a formal complaint
- a statement establishing that that a person accused of an alleged violation of FIU-105 is not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process
- a breakdown of the process for investigation of a formal complaint of an alleged violation of FIU-105 as well as the subsequent University live hearing process which results in a determination of responsibility.

In FIU-105, FIU further identified Sexual Misconduct, which applies to alleged harassment, violence, and/or prohibited discrimination that occurs in or outside a University education program or activity, regardless of location. Including this distinct definition in FIU-105 allows FIU to address conduct that does not meet the Title IX standard, as per the U.S. Department of Education, but that the University has historically deemed as behavior that is against the values of the University.

Title IX Coordinator

The Title IX Coordinator is responsible for managing the development of policies related to sexual harassment and sexual misconduct; ensuring compliance with Title IX and relevant federal and state regulations; responding to concerns raised by the Deputy Title IX Coordinator(s), University Police, Responsible Employees or other members of the University Community; coordinating effective implementation of Supportive Measures; and overseeing investigation of alleged violations of FIU-105.

The University's Title IX and Civil Rights Coordinator is:

Ryan Kelley, J.D.

Office of Civil Rights Compliance and Accessibility

11200 S.W. 8th Street, Primera Casa 220, Miami, FL 33199

Office number: (305) 348-2785

Email: ocrca@fiu.edu

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

Michelle R. Horvath

Assistant Dean of
Students, Office of
Student Conduct and
Academic Integrity

Office number: 305-348-
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Heidi Louisy

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PC 236

Email: hlouisy@fiu.edu

Ocean Bank Convocation
Center 154
Email: kevin.kendrick@fiu.edu

Reporting

Potential violations of Title IX or FIU-105 Regulation may be reported using the:

- [Sexual Harassment and Sexual Misconduct Reporting Form](#)
- [Ethical Panther Hotline](#)

Training Presentations

The following resources are training materials departments can use to train and prepare team members on Title IX roles and processes:

- [FIU-105 Regulations & Title IX Guidelines](#)
- [FIU Hearing Body Training](#)
- [FIU Title IX Coordinator Training](#)
- [FIU Appellate Officer Training](#)

Confidential Resources

The University is committed to providing options through multiple contact points across campus that are broadly accessible to all University community members to address a potential violation of FIU-105 Regulation. Anyone may seek confidential assistance and/or make a report to the University on behalf of themselves or others. Confidential assistance means speaking 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 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).

The following are confidential resources that are available to members of the University community:

On Campus Resources

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Off Campus Resources

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