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## MANUAL OF POLICY

**POLICY NUMBER:** I-20

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**POLICY TITLE:** Sexual Assault, Dating Violence, Domestic Violence and Stalking

**LEGAL AUTHORITY:** JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT (THE CLERY ACT) AS AMENDED IN 2008; THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (“VAWA”); SECTION 485(F) OF THE HIGHER EDUCATION ACT OF 1965 (20 U.S.C.1092(F)) AS AMENDED; TITLE VI, VII AND VIII, 1964 CIVIL RIGHTS ACT; TITLE IX EDUCATION AMENDMENTS OF 1972 AS AMENDED; CIVIL RIGHTS ACT OF 1991; TITLE IV OF THE CIVIL RIGHTS ACT OF 1964 (“TITLE IV”), 42 U.S.C. § 2000C-6; GENETIC INFORMATION NON-DISCRIMINATION ACT OF 2008; SECTIONS 1000.05 AND 1001.64 FLORIDA STATUTES; STATE BOARD OF EDUCATION RULES 6A-19.001 AND 6A-19.010; THE WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2012; THE WHISTLE-BLOWER'S ACT, SECTIONS 112.3187-31895, FLORIDA STATUTES AND CHAPTERS 741, 784 AND 794, FLORIDA STATUTES

**DATE OF LAST REVIEW:** 7/11/2024 and 9/17/2024

**DATE OF BOARD ACTION:** 9/15/2015 and 9/17/2024

### A. STATEMENT OF POLICY

The College is committed to providing an institutional environment where all persons may pursue their studies, careers, duties, and activities in an atmosphere free of threat of unwelcome and unwanted sexual offenses and violence. The College prohibits offenses of Sexual Assault, Domestic Violence, Dating Violence and Stalking on its campuses and has developed policies and procedures to be followed once it has been determined that a sexual offense has occurred.

### B. TO WHOM THIS POLICY APPLIES

This policy applies equally to students and employees.

This policy pertains to acts of prohibited conduct when:

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1. The conduct occurs on College campus grounds or in or on non-campus property the College owns, leases or controls;
2. On public property within or immediately adjacent to a campus. Public property may be streets and sidewalks running inside an official campus boundaries and/or areas reasonably contiguous to the campus.
3. The conduct occurs in the context of a College employment or education program or activity, including, but not limited to, College-sponsored study abroad, research, on-line, or internship programs; or
4. The conduct occurs outside the context of a College employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for students and employees while on a campus or other property owned or controlled by the College or in any College employment or education program or activity.
5. For this policy, collectively, these locations shall be referred to as “Campus” or “Campuses”.

## C. DEFINITIONS

1. Sexual Assault: Any sexual act, contact or behavior directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes, but is not limited to rape, fondling, incest and statutory rape. For the purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.
2. Domestic Violence: Violence committed by: a) a current or former spouse or intimate partner of the victim; b) a person with whom the victim shares a child in common; c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or e) any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. For the purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.
3. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition it: a) includes, but is not limited to, sexual or physical abuse or the threat of such abuse; and b) does not include acts covered under the definition of domestic violence. For the purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

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4. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress. For the purpose of this definition, “course of conduct” means acts in which the stalker directly, indirectly or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. “Reasonable person” means a reasonable person in the victim’s circumstances. For the purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.
5. **Consent:** Intelligent, knowing, and voluntary consent. It does not include coerced submission and shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

## D. COLLEGE RESPONSE

The College will respond promptly, fairly, impartially and decisively to all reports of Sexual Assault, Dating Violence, Domestic Violence and Stalking on Campus. Victims shall report it to the College administration as provided below. Members of the College community accused of Sexual Assault Dating Violence, Domestic Violence and Stalking will be subject to College disciplinary procedures when an alleged incident has occurred as described above.

Sexual Assaults, Dating Violence, Domestic Violence and Stalking are serious violations of the College’s Student Code of Conduct, faculty standards and College employee policies and procedures. They are crimes under federal and state law and punishable by fines and/or imprisonment. In addition, these actions may be subject to civil suit for damages.

## E. REPORTING

Multiple channels for reporting prohibited conduct are available. A victim of Sexual Assault, Dating Violence, Domestic Violence, or Stalking may report to the College, law enforcement, both or neither. Reporting options are not exclusive. Victims may pursue criminal and disciplinary action, simultaneously.

Twenty-four (24)-hour assistance is available to victims through the Office of Public Safety at each College Campus. The College has implemented procedures for victims or witnesses to report Sexual Assault, Dating Violence, Domestic Violence, or Stalking crimes on a voluntary, confidential basis for inclusion in the College’s Clery Act reporting by submission through Silent witness reporting <https://www.mdc.edu/silentwitness/>

The College urges victims to report all major life-threatening emergencies immediately to 911 (local law enforcement) and to the appropriate Miami Dade College Campus Public Safety Department by

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telephone, in person at a Campus Public Safety Office, to any uniformed Miami Dade College Public Safety Officer, or through any of the emergency telephones located throughout the Campuses and in all elevators.

Campus Public Safety Offices:

**Campus Public Safety - Collegewide:** 305-237-HELP (4357)

## Campus Public Safety Offices Direct Numbers

- **Carrie P. Meek Entrepreneurial Education Center:** (305) 237-1910
- **Gibson Education Center:** (305) 237-7994 or (305) 237-7998
- **Hialeah Campus:** (305) 237-8701
- **Homestead Campus:** (305) 237-5100
- **Kendall Campus:** (305) 237-2100
- **Medical Campus:** (305) 237-4100
- **North Campus:** (305) 237-1100
- **Padron Campus:** (305) 237-6100
- **West Campus:** (305) 237-8100
- **Wolfson Campus:** (305) 237-3100
- **TDD:** (800) 955-8771

In addition to the options indicated above:

1. Students who are victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking may also report incidents to the Offices of the Dean of Students or the Dean of Academic Affairs for their Campus or the Office of Equal Opportunity Programs/ADA Coordinator/Title IX Coordinator.
2. Employees who are victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking may also report incidents to the Office of Equal Opportunity Programs/ADA Coordinator/Title IX Coordinator or the Office of Public Safety for their Campus.
3. Witnesses or bystanders to Sexual Assault, Dating Violence, Domestic Violence, or Stalking are urged to report incidents to the Office of Public Safety as provided above, or the Office of Equal Opportunity Programs/ADA Coordinator/Title IX Coordinator.

The contact telephone number for these offices may also be found at <http://www.mdc.edu/main/safety/>. The College will provide procedures for safe and positive options for witness/bystander intervention in order to prevent or intervene when there is a risk of sexual violence or Stalking against another individual.

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4. It is important that the evidence of such offenses be maintained and preserved as may be necessary to demonstrate the proof of the acts.
5. Victims will be provided a written explanation of their rights and options related to assistance and services within the College and the community.
6. Victims and witnesses may also notify proper law enforcement authorities or may be assisted by the Office of Public Safety or other College Campus Security Authorities (Dean of Students, Dean of Academic Affairs or Office of Equal Opportunity Programs/ADA Coordinator/Title IX Coordinator) with notifying law enforcement, as they may choose.

### F. DISCIPLINARY ACTIONS AND SANCTIONS

1. Students accused of committing Sexual Assault, Domestic Violence, Dating Violence, or Stalking, shall be subject to College Procedure 1665 Discrimination and Harassment Grievance Process; College Procedure 4025 Student Code of Conduct and College Procedure 4030 Student Disciplinary Procedures, which include, but may not be limited to investigation of the allegations and disciplinary actions which may result in suspension or expulsion from the College.
2. Employees accused of committing Sexual Assault, Domestic Violence, Dating Violence, or Stalking shall be subject to College Procedure 1665 Discrimination and Harassment Grievance Process; College Procedure 2410 Performance Standards and Appeal Procedure for Full-Time Professional Exempt Contractual, Professional Exempt Non-Contractual and Support Non-Exempt Employees; and College Procedure 2160 Part-Time Employee Performance Standards, as may be applicable, which includes, but is not limited to investigation of the allegations and disciplinary actions which may result in suspension or termination from the College.
3. In order to promptly, fairly, impartially and decisively respond to all reports of Sexual Assault, Dating Violence, Domestic Violence, and Stalking, both the accuser and the accused shall be entitled to the same opportunities to have others present during disciplinary proceedings and be informed of the outcome of such disciplinary proceeding.

### G. EDUCATIONAL PROGRAMS AND ASSISTANCE

The College will offer educational programs for incoming students and new employees, and ongoing campaigns on prevention, awareness and reduction of risk related to Sexual Assault, Dating Violence, Domestic Violence, and Stalking, including advice for recognizing the warning signs of abusive behavior and how to avoid potential attacks.

The College will provide counseling assistance for students who have been determined to be victims of such incidents. The College will develop procedures for other reasonably available options for students and employees that may include arranging for employee assistance referrals through insurance benefits; and changes in class schedules, testing schedules, and living and work arrangements, as applicable and as needed.


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## H. ADDITIONAL CONSIDERATIONS

1. College compliance with this policy does not constitute a violation the federal and state laws or College policies and procedures regarding the Family Educational Rights and Privacy Act of 1974 (FERPA).
2. The College will adopt additional procedures regarding the College's processes for prevention, promoting awareness and responding to reports of Sexual Assault, Dating Violence, Domestic Violence, and Stalking and the sanctions imposed by the College for those responsible for offenses.
3. Miami Dade College will be compliant with the Clery Act and The Violence Against Women Reauthorization Act which require that all post-secondary institutions to publish and distribute certain information regarding Campus crimes, including reports of Sexual Assault, Dating Violence, Domestic Violence, Stalking, and related policies and security programming to all current students and employees; and that the College will notify prospective students and employees of its existence and provide a copy upon request.

Related Policy:  
College Policy 1-21 Equal Access/Equal Opportunity

	9/17/2024
<b>CHAIRMAN</b>	<b>DATE</b>