



## **Sexual Predator/Sexual Offender Notification to Students and Employees**

### **SEX OFFENSE POLICIES**

#### **Sexual Assault Prevention**

Staff and students are urged to be cognizant of situations which might put them in danger of sexual assault, such as walking out to dark parking lots by themselves, waiting in an unlit area for public transportation by themselves or even working alone at the School late in the evening. In particular, female staff members and female students should not work by themselves at the School and should travel in groups as often as possible when going to public transportation or going to their automobile. Any staff member who is aware of a situation which could give rise to the risk of sexual assault should bring the situation to the attention of the Campus Director and/or President.

#### **Sexual Harassment**

FEI wishes to strongly indicate its opposition to sexual harassment and identify the complete procedures available to victims whether staff members, employees or students as well as disciplinary penalties which could be imposed for sexually harassing conduct or behavior.

Sexual harassment is illegal under federal, state and local laws. It is defined by the Equal Employment Opportunity Commission (EEOC) as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- The conduct has the purpose or effect of unreasonably interfering with the individual's performance or of creating an intimidating, hostile or offensive working environment.

The types of behaviors that constitute sexual harassment may include, but are not limited to:

- Unwelcome sexual flirtations, advances or propositions;
- Derogatory, vulgar, or graphic written or oral statements regarding one's sexuality, gender or sexual experience;
- Unnecessary touching, patting, pinching or attention to an individual's body;
- Physical assault; or
- Unwanted sexual compliments, innuendos, suggestions, or jokes; or the display of sexually suggestive pictures or objects.

It is important recognize that appropriate nonsexual touching or other nonsexual conduct does not necessarily violate this policy. In a school where we have programs that require hands-on instruction, there will be times when staff members and students must touch. Our desire is not to create a sterile or cold environment where individuals fear touching or speaking to each other. However, our desire is to create a comfortable and safe work environment for students, visitors, and staff members.

**Guidelines:**

- Sexual harassment includes any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where tolerance of such actions is made a condition of employment, or which interferes with an individual's work performance or simply creates an intimidating, hostile or offensive School or work environment. It can include harassment between employees, between employees and students and between students.
- The creation of an intimidating, hostile or offensive learning (school) or working environment may include such actions as persistent sexual comments or the display of obscene or sexually oriented photographs or drawings. However, conduct or actions that arise out of a personal or social relationship and that are not intended to have a social relationship effect and that are not intended to have a discriminatory employment effect or discriminatory grading or treatment effect in the event of students, may not be viewed as harassment. The School discourages staff from seeking or becoming involved in relationships with students that exceed normal and usual educational relationships developed to promote the instructional process (see Non-Fraternization Policy). The School will determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation.
- The School will not condone any sexual harassment of its employees or students. All employees, including supervisors, managers and students, will be subject to severe discipline, up to and including discharge, for any act of sexual harassment they commit.
- Employees or students who feel victimized by sexual harassment are encouraged to report the harassment to the Campus Director or President. If the Campus Director is the source of the alleged harassment, the employee should report the problem to the President of FEI. Twenty four hours after reporting the harassment to the President, the person filing the complaint must provide a written account of the incident to the President. The President will give a preliminary report to the complainant within one (1) school day after receiving the written complaint and, in general, will inform the complainant and the accused of the School findings and possible actions within seven (7) days.
- The Campus Director who receives a sexual harassment complaint should (1) notify FEI's President and (2) carefully investigate the matter, questioning all employees (or students as appropriate) who may have knowledge of either the incident in question or similar problems. Both the complaint and the investigative steps and findings should be

documented as thoroughly as possible. As much as possible, confidentiality will be maintained with respect to a sexual harassment complaint and only those who need to know about such a complaint will be advised of its existence. In the interest of being able to investigate the complaint in an unbiased atmosphere as possible, the person filing the complaint and the accused person shall not discuss the matter with FEI students or FEI personnel not involved in the incident other than the staff person doing the investigation.

- Employees or students who are dissatisfied with the Campus Director's resolution of a sexual harassment complaint may file a complaint with the President of FEI. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint (see Retaliation Prohibited below).

### **Procedures To Be Followed When Reporting Offenses**

1. When an alleged sex offense occurs at the School or the accused is a student or employee of the School, students or employees of the School must report such alleged sex offenses directly to the Campus Director, or if the alleged offense involves a Campus Director, directly to the President of FEI.
2. The Campus Director, upon request of the alleged victim, will notify law enforcement officials.
3. The Campus Director, will refer the alleged victim to appropriate counseling services, depending upon the nature of the offense.
4. The Campus Director, will (1) notify FEI's President and (2) carefully investigate the matter, questioning all employees or students who may have knowledge of the incident. Both the complaint and the investigative steps will be documented as thoroughly as possible. As much as possible, confidentiality will be maintained with respect to the sex offense complaint and only those who need to know about such an incident will know of its existence.

### **Sanctions For Sex Offences**

Aside from criminal penalties that employees or students may be subjected to for sex offenses, the School may take action based upon its own investigation of alleged sex offenses, and based upon the conclusion of its investigation may do one of the following to an alleged offender:

- Suspension for a period of time. In the event of an employee, the suspension may be with or without pay.
- Termination.
- Other disciplinary action.

**Available Options In Living And Academic Arrangements**

The School maintains no housing for either employees or students. Consequently, any change in living arrangements which would be desired by an alleged sex offense victim must be the responsibility of that individual. However, the School will assist students who are seeking alternate housing by providing recommendations or a source of appropriate housing recommendations.

An alleged victim will have an opportunity to request assistance in changing their academic situation. Possible alternatives include:

- Changing instructors.
- Changing to a different academic schedule if available.
- Withdrawal.

**Disclosures To Alleged Victims**

FEI will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the School against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, FEI will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

**Retaliation Prohibited**

Any person who brings a claim or complaint of discrimination or harassment, or who assists in the investigation of such claim or complaint, will not be adversely affected in the terms and conditions of employment, or discriminated against or discharged because of the complaint or assistance. Complaints of such retaliation will be promptly investigated and, when warranted, the persons engaging in the retaliation conduct will be subject to disciplinary action up to and including termination.

**Non-Fraternization**

In order to promote the efficient operation of the Institute's business and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, morale, and possible claims of sexual harassment, employees are strongly discouraged from having romantic or sexual relationships with other employees. **In addition, all employees are prohibited from fraternizing or having personal relationships with students, including dating or sexual relationships.** Employees who violate this directive will be subjects to discipline, up to and including termination of employment.

**Information Regarding Registered Sex Offenders**

Information regarding registered sex offenders under section 170101 (j) of the Violent Crime Control and Law Enforcement Act of 1994 is available with the **Miami-Dade Police Department**, located at:

Miami-Dade Police Department  
9101 NW 25 Street

Miami, Florida 33172

Additional information can be obtained by calling the police department at **305-595-6263**

OR:

Information regarding registered sex offenders under section 170101(j):

**<http://www.miamidade.gov/police/predators-offenders.asp>**

### **Sex Offender And Predator Registration Law (State Of Florida)**

Per the State of Florida's "Sexual Offender and Predator Registration Law", licensed institutions are required to notify students of the existence of the Florida Department of Law Enforcement (FDLE) sexual predator and sexual offender registry website and toll free telephone number. We encourage students to read the information on this website. Student safety is always important to us.

FDLE Website: <http://offender.fdle.state.fl.us/offender/homepage.do>

FDLE Toll-Free Number:1-888-357-7332 for TTY Accessibility- 1-877-414-7234

### **Sex Offender Registration-Nationwide Search**

In an effort to provide this critical data to all students and employees nationwide, we offer the following from the U.S. Department of justice **<http://www.nsopw.gov/en>**

### **The Dru Sjodin National Sex Offender Public Website (Nsopw)**

The NSOPW is a public safety resource that provides the public with access to sex offender data nationwide and is a partnership between the U.S. Department of Justice and state, territorial, and tribal governments.

NSOPW links public state, territorial, and tribal sex offender registries from one national search site at <http://www.nsopw.gov/en/Registry>. The public can utilize the website's search tool to identify location information on sex offenders residing, working, and attending school not only in their own neighborhoods but in other nearby states and communities. In addition, the website provides visitors with information about sexual abuse and how to protect themselves and loved ones from potential victimization.

NSOPW's advanced search tool provides information about sex offenders through a number of search options:

- Search by name nationally or with an individual Jurisdiction
- Search by address (if provided by Jurisdiction)
- Search by zip code
- Search by county (if provided by Jurisdiction)
- Search by city/town (if provided by Jurisdiction)

NSOPW presents the most up-to-date information as provided by each Jurisdiction. Information is hosted by each Jurisdiction, not by NSOPW or the federal government. The search criteria available for searches are limited to what each individual Jurisdiction may provide. Search results should be verified by visiting the providing Jurisdiction's Public Registry Website for further information and/or guidance. For answers to frequently asked questions about NSOPW, visit their FAQ page.