



# SEXUAL MISCONDUCT POLICY

Procedural steps (simple) for investigation and adjudication of sexual misconduct complaints.

## 1. Incident Reported

- To preserve the rights under this Policy for all involved and to ensure that Policy requirements are met, **no employee is authorized to investigate or resolve sexual misconduct complaints** without the involvement of the Title IX Coordinator.
- With limited exception, **any UM employee who receives a sexual misconduct complaint involving a member of the UM community shall promptly report** the complaint to the Title IX Coordinator.
- Confidential Resources** (those who are not required to report the complaint) are listed in this Policy.

## 2. Administrative Measures

- Protective measures and accommodations** are available to complainants and respondents even if no investigation is pursued.
- Retaliation** against anyone who files a good faith complaint or who participates in any investigation or proceeding under this Policy is prohibited.

## 3. Formal Investigation

- Complainant may decide **not to pursue** an investigation.
- In certain circumstances, the University **may be required to pursue** an investigation even though complainant has requested not to proceed, or without complainant's participation.

## EITHER 4. Adjudication...

- For matters involving a **respondent who is a faculty member**, the complaint is adjudicated by a hearing panel in accordance with the procedure detailed in the *Faculty Handbook*.
- For matters involving a **respondent who is a student, including visiting students**, the complaint is adjudicated by a hearing panel in accordance with the procedure detailed in the *Student Handbook*.

## OR 4. Administrative Review

- For matters involving a **respondent who is a staff member, including a student-employee while acting in their capacity as an employee**, the complaint is resolved through administrative review by the Office of Workplace Equity and Performance within Human Resources.
- For matters involving a **respondent who is a third-party or guest**, the complaint is resolved through administrative review by the Title IX Coordinator.

*Please review the Sexual Misconduct Policy for full details of each step, or contact the Title IX Coordinator with any questions.*



# Say

# NO

## TO SEXUAL HARASSMENT AND SEXUAL VIOLENCE

The University of Miami is committed to maintaining a safe and secure work and academic environment, free from any form of sexual misconduct, including domestic violence, dating violence, sexual assault, stalking, and sexual harassment. A violation of the Violence Against Women Act shall constitute grounds for disciplinary action, up to and including dismissal from the University.

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UNIVERSITY  
OF MIAMI



### TO FILE AN ANONYMOUS REPORT

Students | **'Canes Care for 'Canes** 305-284-4922 [miami.edu/canescare](http://miami.edu/canescare)


Faculty and staff | **'Cane Watch** 1-877-415-4357 [canewatch.ethicspoint.com](http://canewatch.ethicspoint.com)

**Dean of Students** (Students)  
Coral Gables/RSMAS 305-284-5353 | Miller School of Medicine 305-243-2003

**Workplace Equity and Performance** (Faculty and Staff)  
Coral Gables/RSMAS/MSOM 305-284-3064

**University of Miami Police Department** (Students, Faculty, and Staff)  
Coral Gables/RSMAS 305-284-6666 | Miller School of Medicine 305-243-6000

FOR MORE INFORMATION VISIT [miami.edu/wep](http://miami.edu/wep)



In the event  
of an  
emergency,  
please dial

**911**



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# About 'CaneWatch

## **What is 'CaneWatch? What is EthicsPoint?**

'CaneWatch is a comprehensive and confidential reporting tool to assist management and employees to work together to address fraud, abuse, and other misconduct in the workplace, all while cultivating a positive work environment. The University of Miami chose EthicsPoint as its provider for the 'Cane Watch hotline.

## **Why do we need a system like 'CaneWatch?**

- We believe that our employees are our most important asset. By creating open channels of communication, we can promote a positive work environment and maximize productivity.
- Publicly traded companies are required by law to have an anonymous reporting vehicle to address accounting and auditing fraud directly to the audit committee. Even though the University of Miami is not a public company, providing a system like 'CaneWatch is considered "best practice".
- An effective reporting system will augment our other efforts to foster a culture of integrity and ethical decision-making.

# Reporting – General

## **Who can file a report?**

Reports may be filed by anyone – faculty, staff, students, parents, patients, volunteers, vendors, etc.

## **May I report using either the Internet or the telephone?**

Yes. With 'CaneWatch, you have the ability to file a confidential, anonymous report via either the telephone or the Internet.

## **What type of situations should I report?**

The 'CaneWatch system is designed for people to report concerns related to violations of policies and procedures, rules and regulations, or other irregularities and improprieties. It is not a 911/emergency service, however.

## **If I see a violation, shouldn't I just report it to my manager, security, or human resources and let them deal with it?**



When you observe behavior that you believe is inappropriate, we expect you to report it. Ideally, you should bring any concerns forward to your supervisor, Internal Audit, Human Resources, Faculty Affairs, Student Affairs or the University's controller, whichever is most appropriate. We recognize, however, that there may be circumstances when you are not comfortable reporting the issue in this manner. It is for such circumstances that we have partnered with 'CaneWatch. We would rather you report anonymously than keep the information to yourself.

### **Why should I report what I know? What's in it for me?**

We all have the right to work in a positive environment and with that right comes the responsibility of acting in an ethical manner and letting the appropriate people know if someone is not acting appropriately. By working together, we can maintain a healthy and productive environment.

### **Does management really want me to report?**

We certainly do. In fact, we *need* you to report. You know what is going on at the University of Miami - both good and bad. You may have knowledge of an activity that may be cause for concern. Your reporting can reduce the potential negative impact on the University and our people.

### **Where do these reports go? Who can access them?**

Reports are entered directly on the 'CaneWatch secure server to prevent any possible breach in security. 'CaneWatch makes these reports available only to specific individuals within the company who are charged with evaluating the report, based on the type of violation. Each of these report recipients has had training in keeping these reports in the utmost confidence.

### **Isn't this system just an example of someone watching over me?**

The 'CaneWatch system concentrates on being a positive aspect of our overall philosophy, and allows us to assure a safe, secure, and ethical workplace. Effective communication is critical and this is a great tool to enhance that communication.

We have carefully chosen the best reporting tool to meet our compliance obligations while maintaining a positive reporting environment.

## **Reporting Security & Confidentiality**

### **It is my understanding that any report I send from a University computer generates a server log that shows every web-site that my PC connects with, and won't this log identify me as a report originator?**

'CaneWatch does not generate or maintain any internal connection logs with IP addresses, so no information linking your PC to 'CaneWatch is available. In fact, 'CaneWatch is contractually committed not to pursue a reporter's identity.

If you feel uncomfortable making a report on your work PC, you have the option of using a PC outside our work environment (such as one located at an Internet café, at a friend's house, etc.) through the 'CaneWatch secure website.

### **I am concerned that the information I provide 'CaneWatch will ultimately reveal my identity. How can you assure me that will not happen?**



The 'CaneWatch system is designed to protect your anonymity. However, if you wish to remain anonymous, you need to be sure that the information you provide does not reveal your identity by accident. For example, "From my cube next to Jan Smith..." or "In my 33 years..."

### **Is the telephone toll-free hot line confidential and anonymous too?**

Yes. You will be asked to provide the same information that you would provide in an Internet-based report and an interviewer will type your responses into the 'CaneWatch Web site. These reports have the same security and confidentiality measures applied to them during delivery.

### **What if I want to be identified with my report?**

There is a section in the report for identifying yourself, if you wish.

## Miscellaneous

### **I am aware of some individuals involved with unethical conduct, but it doesn't affect me. Why should I bother reporting it?**

Unethical conduct, at any level, ultimately hurts the University. You only have to read the newspaper to see examples of what can happen to an otherwise healthy institution as a result of seemingly harmless lapses in ethics. So if you know of any incidents of misconduct or ethical violations, consider it your duty to yourself and your coworkers to report it.

### **I am not sure if what I have observed or heard is a violation of company policy, or involves unethical conduct, but it just does not look right to me. What should I do?**

Discuss it with your manager, Internal Audit, Human Resources, Faculty Affairs, Student Affairs or the University's controller. If you don't feel comfortable doing so, then file a report. We'd rather you report a situation that turns out to be harmless than let possible unethical behavior go unchecked because you weren't sure.

### **What if my boss or other managers are involved in a violation? Won't they get the report and start a cover-up?**

The 'CaneWatch system and report distribution are designed so that implicated parties are not notified or granted access to reports in which they have been named.

### **What if I remember something important about the incident after I file the report? Or what if the company has further questions for me concerning my report?**

When you file a report at the 'CaneWatch Web site or over the phone, you receive a unique user name and are asked to choose a password. You can return to the 'CaneWatch system again either by Internet or telephone and access the original report to add more detail or answer questions posed by the University and add further information that will help resolve open issues. We strongly suggest that you return to the site in the time specified to answer questions. The University might propose an anonymous chat session with you to clarify what you saw. In that session, you will only be identified as "reporter" to the University representative.

### **Are these follow-ups on reports as secure as the first one?**



All 'CaneWatch correspondence is held in the same strict confidence as the initial report; continuing under the umbrella of anonymity.

### **Can I still file a report if I don't have access to the Internet?**

You can file an 'CaneWatch report from any computer that can access the Internet. You can file from home. Many public locations, including the public library, have Internet computers. If you don't have access or are uncomfortable using a computer, you can call the 'CaneWatch toll-free hotline 877-415-4357 which is available 24 hours a day, 365 days a year.

### **What if I'm not comfortable speaking English?**

The 'CaneWatch toll free number for 'Cane Watch supports multiple languages including those most commonly spoken in South Florida. The 'Cane Watch website provides information in Spanish and English.

### **How will I know the University took my report seriously?**

After 5-6 business days, you can log back into the system (or call the toll free number) using your PIN and password. You will be able to see general information about the case status (e.g. "in process" or "closed") as well as an indication of the outcome. If questions or comments have been posted by the University, you will see those as well. Note that you will not be able to see detailed information about the investigation or its outcomes.

### **I have a complaint about something the University did. Can I use 'CaneWatch to make the University aware that I'm unhappy about it?**

'CaneWatch is a hotline for reporting irregularities, improprieties, and unethical conduct. Complaints about other aspects of the University's daily operations should be directed to the department directly involved so that they can evaluate your complaint as part of ongoing customer service improvements.