

Overview of Important FIU and Federal Policies –

This page provides a brief overview of key FIU and federal policies pertinent to your role as FIU faculty or graduate teaching assistant (TA). Most of the information is taken directly from the FIU Faculty Handbook, available at http://academic.fiu.edu/docs/Faculty_Handbook.pdf

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Sexual Harassment/Amorous Relationships

The University takes allegations of sexual harassment seriously. FIU requires that all employees—faculty and staff—receive training on sexual harassment awareness and prevention provided by the Office of Equal Opportunity Programs. **FIU's rule defines sexual harassment as any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature which 1) makes submission to or rejection of such conduct either an explicit or implicit basis for employment and/or academic decisions affecting the individual; or 2) unreasonably interferes with the individual's employment or academic performance by creating an intimidating, hostile or offensive environment.**

Faculty (and TAs) have a great deal of power over students, junior faculty members, and staff members. We must interact with students, staff, and each other with utmost sensitivity. All faculty members (and TAs), male and female, must monitor their own behavior carefully.

If you observe someone behaving in a harassing way (examples of such behavior are included in the policy), remind that individual of the kinds of behavior that constitute sexual harassment and let him/her know that the University has a strong policy against such behavior. If a student, staff member, or faculty member comes to you with allegations of sexual harassment, see that he/she receives a copy of the University Sexual Harassment Policy and refer him/her to the Office of Equal Opportunity Programs (305-348-2785).

This rule includes both an informal and a formal procedure for handling sexual harassment complaints; the choice of procedure will depend on the nature of the complaint and the wishes of the complainant. Sexual Harassment complaints are filed

with the Office of Equal Opportunity Programs. There are strict timelines in both the informal and formal procedures, so be sure to read the entire rule carefully before initiating a complaint. In the event that a claim of sexual harassment is found to be frivolous or malicious, appropriate University sanctions will be taken against the complainant.

Dating a student in your class, or a student whom you advise, or whose work you will be supervising or evaluating in any manner (for example, as a member of the student's thesis or dissertation committee) creates a de facto conflict of interest according to the University's Sexual Harassment rule, which states

The University discourages amorous or sexual relations between employees and students. Such relationships, even when consensual, may be exploitive, and imperil the integrity of the educational process or work environment. . . . The University requires the resolution of any conflict of interest created by these relationships.

In addition the Policy states that:

Whenever a conflict of interest situation arises or is reasonably foreseen, the employee in a position of authority must resolve any potential conflict of interest by taking necessary steps, including removing himself or herself from evaluative decisions concerning the other individual. If he or she is unable to resolve personally the conflict of interest, he or she is required to inform the immediate supervisor promptly and seek advice and counsel in dealing with the conflict. . . . Failure to resolve potential or actual conflict of interest. . . may result in disciplinary action. . .

Copies of the Sexual Harassment Policy can be obtained from the Office of Equal Opportunity Programs (305-348-2785) or the Women's Studies Center (305-348-2408).

[Accessibility](#)

Students with disabilities, as defined by law, have the right to receive appropriate accommodations if their disabilities make it difficult to perform academic tasks in the usual way or in the allotted time frame. However, in order to receive accommodation, students with disabilities must register with the Disability Resource Center.

The Disability Resource Center will keep the student's written request, notify a faculty member (or TA) who has a student with a disability enrolled in his/her class, and indicate what kinds of arrangements must be made. If a student indicates a disability and you have not been notified by the Disability Resource Center, contact that office to make a referral.

There are a number of resources available to students with disabilities and their teachers. The Office of Disability Services can provide sign language interpreters, note takers, readers, and research assistants for students who are unable to use the library. It can also assist faculty and TAs in adapting tests for disabled students and it can provide some specialized equipment.

There are Federal laws governing the treatment of students with disabilities and it is essential that faculty members and TAs abide by these. The Disability Resource Center (305-348-3532) can provide you with a copy of the Faculty Handbook on Accommodation of Students with Disabilities and assist you in implementing these guidelines <http://drc.fiu.edu/>.

If you are a TA with a disability, the university will provide you with reasonable job accommodations. In order to apply for accommodation, you will need to fill out a Request for Accommodation of Applicant/Employee form, which your department chairperson, or dean will then forward to Human Resources.

FERPA

**From FIU Enrollment Services*

FERPA refers to the 1974 Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment, a federal law (20 U.S.C. 1232g) that protects the privacy of a student's educational record. FERPA applies to all educational institutions receiving funds from the United States Department of Education, from kindergarten through university level.

At Florida International University, the privacy of academic records is also protected by Florida Statute 6C1-4.007.

The U.S. Department of Education summarizes the rights afforded to students by FERPA as follows:

- The right to inspect and review their educational records within a reasonable period of time and no more than 45 days after the institution has received the request
- The right to request to amend inaccuracies in their educational records The right to limit disclosure of some personally identifiable information
- The rights to file a complaint with the Family Policy Compliance Office if they feel their FERPA rights have been violated.

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

WHAT IS AN EDUCATION RECORD?

An education record is any record directly related to a student that is maintained by an educational agency or institution, or by a party acting for the agency or institution.

Examples of an academic record include, but are not limited to:

- Biographical information including date and place of birth, gender, nationality, information about race and ethnicity, and identification photographs
- Grades, test scores, evaluations, courses taken, academic specialization and activities, and official communications regarding your status
- Coursework including papers and exams, class schedules, as well as written email or recorded communications that are part of the academic process
- Disciplinary records
- Financial aid and financial aid records
- Internship program records

Academic records do not include:

- Sole possession records that are used only as memory aids and not shared with others
- Law enforcement unit records
- Employment records, unless the employment is dependent on the employee's status as a student (such as evaluations of graduate assistants)
- Medical records
- Records that only contain information about an individual after he or she is no longer a student at that agency or institution

WHAT IS DIRECTORY INFORMATION?

Directory information is the information available about a student that is not considered harmful or an invasion of privacy if disclosed. While FERPA and state law protect the

privacy of educational records, directory information is not treated as confidential and may be disclosed by the university without student consent unless the student has placed a FERPA block via their my.fiu.edu on their student account. For instructions regarding the placement and release of a FERPA block please click [here](#).

At FIU, the following has been designated as directory information:

- Name, local and permanent address, and telephone number(s);
- Date and place of birth;
- Student classification and major and minor fields of study;
- Participation in officially recognized activities and sports;
- Weight and height of members of athletic teams;
- Dates of attendance, degrees and awards received;
- The most recent previous educational agency or institution attended by the student; and
- Photographic image.

Main points for faculty and TAs (from the University of Illinois-Urbana Champagne FERPA tutorial—see link below):

- You are responsible for protecting student data in your possession.
- Educational records may not be released without the written consent of the student.
- Individual directory information may be released without written consent, except when the student has filed a "Request to Suppress Directory Information." Suppressed information may not be released.
- University employees may access and use private educational records only as necessary to conduct official business that is related to the educational interests of the student.
- Student data should not be emailed unless it is encrypted.
- Take appropriate measures to protect student records that are stored on personal computers and local networks.
- If in doubt, do not release information about a student.

Great FERPA tutorial: http://registrar.illinois.edu/staff/ferpa_tutorial/Ferpa_pg2a.html

Academic Integrity/Conduct

Academic misconduct (i.e., academic dishonesty) includes but is not limited to: cheating, plagiarism, falsification of academic records, bribery to gain academic advantage, and misuse of computer services, including the unauthorized appropriation of another's

program(s). Disciplinary penalties for academic misconduct range from counseling to expulsion from the University.

Separate policies and procedures govern undergraduate academic misconduct (see the official university policy [here](#)).

All teaching faculty and TAs encounter instances of academic misconduct; it is essential that you become familiar with the procedures for handling it. All students have the right to due process, no matter how flagrant their violations may seem to you. You do not have the right to summarily fail a student whom you suspect of cheating. Allegations of academic misconduct must be made in writing and must be sent to the Office of the Dean of Undergraduate Studies or the Office of the Dean of Graduate Studies within 14 calendar days of the alleged occurrence or the date that the alleged violation was first discovered.

Any TA, faculty member, staff member, or student may file such a written petition, although a student complainant may first inform the appropriate faculty or staff member. Forms for filing a petition are available from the appropriate Dean's Office. If you file a petition alleging academic misconduct, you must be willing to appear and testify at any hearing relating to the situation.

Procedures for dealing with academic misconduct are outlined at the following web site: <http://policies.fiu.edu/files/738.pdf>.

There are two stages required for dealing with academic misconduct. First, you must meet with the student and confront him/her with your evidence or suspicions. Second, you must decide whether you wish to offer an informal resolution or file formal charges. Often at this informal stage, a student will agree to disciplinary action, recognizing that if the case goes into the formal procedure, the disciplinary action might be more severe. A faculty member who is not clear on what constitutes appropriate disciplinary action should talk to his/her chairperson, dean, or director. If the faculty member and student agree on what action will be taken, they sign a "consent agreement," which is written in conjunction with the appropriate Dean's Office.

The student and faculty member each receive a copy of the agreement and a copy is sent to the student's advisor with instructions to place it in the student's record. The student can request that the agreement and all documents pertaining to it be removed from his/her file upon graduation or two years after the matter has been resolved. There are strict time-lines throughout this informal procedure. Failure to meet these deadlines or other violations of procedure might cost the University the right to discipline a student that you have caught "red-handed." This is only a summary of the procedures for informal resolution. Many details are missing, so be sure to read the full text of the policy.

Should you or the student deem an informal resolution not appropriate, especially if the student is disputing the facts, you should initiate formal resolution procedures. These procedures will not be outlined here. It is imperative, however, that you thoroughly understand both the informal and formal academic misconduct procedures. Read the "Academic Misconduct" section in the Student Handbook before a problem arises. To receive a current copy of the Student Handbook, call the Office of Campus Life (Modesto A. Maidique Campus at 305-348-2138, or Biscayne Bay Campus at 305-919-5804).