



UNIVERSITY OF CENTRAL FLORIDA

Office of the President

<b>SUBJECT:</b> Prohibition of Discrimination, Harassment and Related Interpersonal Violence	<b>Effective Date:</b> 10/14/2020	<b>Policy Number</b> 2-004.2	
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	<b>Responsible Authority:</b> Director, Institutional Equity		

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## **I. APPLICABILITY/ACCOUNTABILITY**

This policy applies to the university community, which includes all students, employees, registered student organizations; direct support organizations' non-student employees (DSOs), and third parties. The university prohibits discrimination, as well as discriminatory harassment, sexual assault, sexual exploitation, relationship violence, stalking, sexual, gender-based, or Title IX sexual harassment, complicity in the commission of any act prohibited by this policy, retaliation against a person for reporting, in good faith, any of these forms of conduct or participating in or being a party to any investigation or proceeding under this policy (collectively, "Prohibited Conduct"). Definitions for all forms of prohibited conduct can be found in Section IV of this policy. This policy pertains to acts of prohibited conduct committed by or against students, university and DSO employees and volunteers, registered student organizations, and third parties when:

1. the conduct occurs on campus or other property owned by, controlled by, or affiliated with the university;
2. the conduct occurs in the context of a university employment or education program or activity, including, but not limited to, university-sponsored study abroad, research, on-line, or internship programs; or
3. the conduct occurs outside the context of a university employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for students, university and DSO employees and volunteers, or third-parties while on campus or other property owned by, controlled by or affiliated with the university or in any university employment or education program or activity. This means that the

university may take action against students, registered student organizations, DSOs, and third-parties for off-campus conduct if the conduct is specifically prohibited by law or university policies and regulations; may take action against university employees or volunteers for activities which fall outside the scope of employment but adversely affect the legitimate interests of the university; and may take action against students, university and DSO employees and volunteers, registered student organizations, and third-parties if the conduct poses (or demonstrates that the student's, employee's or third-party's continued presence on university premises poses) a danger to the health, safety or welfare of the university community; or if the conduct is disruptive to the orderly processes and functions of the university.

## II. DEFINITIONS

**Campus Security Authority (CSA).** Individuals who are members of the campus police department; any individual who has responsibility for campus security but who does not constitute a member of the campus police department; any individual or organization specified in the university's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; and any employee of the university who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings. CSAs at UCF include but are not limited to members of the campus police department, Student Affairs officials, Housing and Residence Life officials, Fraternity and Sorority Life professional staff (or related positions), athletic administrators (including Director, Assistant Directors, Coaches, and Trainers), Student Conduct officials, Office of Institutional Equity professional staff, faculty and staff advisors to registered student organizations, administrators at any UCF campus and instructional site, any individual who has the authority and the duty to take action or respond to particular issues on behalf of the university, and any individual who has significant responsibility for students and campus activities. .

**Coercion.** An unreasonable pressure for sexual activity. Coercion is more than an effort to persuade, entice, or attract another person to have sex. Conduct does not constitute coercion unless it impairs an individual's freedom of will to choose whether to participate in the sexual activity.

**Complainant.** An individual who discloses having been subjected to any prohibited conduct under this policy, regardless of whether that person makes a report or seeks action under this policy. The university recognizes that an individual may choose to self-identify as a victim or a survivor. For consistency in this policy, the university uses the term complainant to maintain the neutrality of the policy and procedures.

**Confidential Employee.** Any employee who is entitled under state law to have privileged communications. Confidential employees will not disclose information about prohibited conduct to the university without the permission of the student or employee (subject to the

exceptions set forth in the confidentiality section of this policy). Confidential employees and resources at the University of Central Florida are the following:

- Health Services employees
- Counseling and Mental Health Services employees
- Employee Assistance Program employees
- Ombuds Office employees
- Victim Services employees
- Student Legal Services employees
- Volunteer chaplains

**Consent.** An understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The lack of a negative response, lack of resistance or protest, and silence are not consent. An individual who is incapacitated such as by alcohol and/or other drugs both voluntarily or involuntarily consumed may not give consent. Past consent to sexual activity does not imply ongoing future consent.

- a. **Responsibility:** It is the responsibility of the initiator of the sexual activity to obtain clear and affirmative responses of a willingness to participate at each stage of sexual involvement.
- b. **Incapacitation:** a state where an individual cannot make rational, reasonable decisions because of age, mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated due to the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. A person who is incapacitated lacks the capacity to give consent because they cannot understand the facts, nature, or extent of the sexual interaction. An individual may be incapacitated by force, threat, coercion, manipulation, reasonable fear of injury, intimidation, use of position of influence, or through the use of one's mental or physical helplessness or incapacity. Factors used to evaluate consent are found in this policy.
- c. **Standard:** A determination of whether consent exists will be based on the information the initiator of the sexual act knew or should have known as a sober, reasonable person. Being impaired by alcohol or other drugs does not relieve an initiator of a sexual act from obtaining consent.

**Course of conduct.** Two or more acts, including but not limited to acts in which a person directly, indirectly, or through third-parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.

**Direct Support Organization.** An organization that is a subsidiary corporation of the

university and is certified by the University of Central Florida Board of Trustees per Florida Statute 1004.28 to support the mission and goals of the university and the best interest of the state of Florida.

**Employee.** Any individual employed by the University of Central Florida, including all full-time and part-time faculty, employees classified as Administrative and Professional (A&P), employees classified as University Support Personnel System (USPS), post-doctoral employees, resident assistants, graduate students with classroom responsibilities, professional research assistants, and OPS non-student employees.

**Force.** The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and/or coercion that overcome resistance.

**Hostile Environment Harassment:** Discriminatory harassment that is so severe or pervasive that it unreasonably interferes with, limits, deprives, or alters the terms or conditions of education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a university program or activity (e.g., campus housing), when viewed from both a subjective and objective perspective.

In evaluating whether a hostile environment exists, the university will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct or other misconduct;
- Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or university programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. However, an isolated incident, unless sufficiently serious, does not amount to Hostile Environment Harassment.

**Privileged Communication.** A private statement that must be kept in confidence by the recipient for the benefit of the communicator. Some examples of a privileged communication are statements made between an attorney and a client, a doctor and a patient, and a priest and a penitent.

**Prohibited Conduct.** For purposes of this policy, prohibited conduct refers to discrimination, as well as discriminatory harassment, sexual assault, sexual exploitation, relationship violence, stalking, sexual, gender-based, or Title IX sexual harassment, complicity in the commission of any act prohibited by this policy, retaliation against a person for reporting, in good faith, any of these forms of conduct or participating in or being a party to any investigation or proceeding under this policy.

**Quid Pro Quo Harassment:** Discriminatory harassment where submission to or rejection of unwelcome conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a university program or activity (e.g., campus housing).

**Respondent.** Any individual or group who has been accused of violating this policy.

**Responsible Employee.** Any university or DSO employee who is not a confidential employee. [Responsible employees](#) include but are not limited to faculty (full-time and part-time), staff (full-time and part-time), resident assistants, and graduate students with classroom responsibilities. Responsible employees also include all those employees identified as Campus Security Authorities (CSAs). The university reserves the right to designate other individuals involved in university-sponsored/related activities as responsible employees on a case-by-case basis.

**Student.** Any individual defined as a student in the University of Central Florida's Regulation UCF-5.006(3) and *The Golden Rule Student Handbook*.

**Substantial Emotional Distress.** Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Third-Party.** Any contractor, vendor, visitor, applicant or other non-student or non-employee/volunteer affiliated with the university.

### III. POLICY STATEMENT

The University of Central Florida is committed to maintaining a safe and non-discriminatory learning, living and working environment for all students, university and DSO employees and volunteers, registered student organizations, and third parties. Academic and professional excellence can exist only when each member of our community is assured an atmosphere of safety and mutual respect. All members of the university community are responsible for the maintenance of an environment in which people are free to learn and work without fear of discrimination, discriminatory harassment, or interpersonal violence. Discrimination diminishes individual dignity and impedes equal employment and educational opportunities.

The university does not unlawfully discriminate in any of its education or employment

programs and activities on the basis of an individual's race, color, ethnicity, national origin, religion, or non-religion, age, genetic information, sex (including pregnancy and parental status, gender identity or expression, or sexual orientation), marital status, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), political affiliations, veteran's status (as protected under the Vietnam Era Veterans' Readjustment Assistant Act), or membership in any other protected classes as set forth in state or federal law. To that end, this policy against Discrimination, Harassment and Related Interpersonal Violence (the "Policy") prohibits specific forms of behavior that violate state and federal laws, including but not limited to Title VI of the Civil Rights Act of 1964 ("Title VI"), Title VII of the Civil Rights Act of 1964 ("Title VII"), Title IX of the Education Amendments of 1972 ("Title IX"), the Violence Against Women Reauthorization Act of 2013 ("VAWA"), the Americans with Disabilities Act, Section 503 and Section 504 of the Rehabilitation Act of 1973, Florida's Civil Rights Act (Florida Statutes ss. 760.10 and 110.1221), the Florida Educational Equity Act (Florida Statute s. 1000.05) and related state and federal anti-discrimination laws. Such behavior may also require the university to fulfill certain reporting obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), as amended by VAWA, and Florida state law regarding reporting suspected child abuse and neglect.

The university prohibits discrimination, as well as discriminatory harassment, sexual assault, sexual exploitation, relationship violence, stalking, sexual, gender-based, or Title IX sexual harassment, complicity in the commission of any act prohibited by this Policy, retaliation against a person for reporting, in good faith, any of these forms of conduct or participating in or being a party to any investigation or proceeding under this Policy (collectively, "Prohibited Conduct"). Religious discrimination includes failing to reasonably accommodate an employee's or student's religious practices where the accommodation does not impose an undue hardship. Disability discrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability where the accommodations do not impose an undue hardship. These forms of Prohibited Conduct are unlawful and undermine the mission and values of our academic community. In addition, inappropriate amorous relationships with employees in positions of authority can undermine the university's mission when those in positions of authority abuse or appear to abuse their authority.

The university adopts this Policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Prohibited Conduct; (2) fostering a safe and respectful university community; (3) cultivating a climate where all individuals are well-informed and supported in reporting Prohibited Conduct; (4) providing a fair and impartial process for all parties in the investigation and resolution of such reports; and (5) identifying the standards by which violations of this Policy will be evaluated and disciplinary action may be imposed. In addition, the university conducts ongoing prevention, awareness, and training programs for employees and students to facilitate the goals of this Policy.

A student, employee, or registered student organization determined by the university to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and

including permanent separation from the university. Third-parties or DSOs who commit acts of Prohibited Conduct may have their relationships with the university terminated and/or their privileges of being on university premises withdrawn.

It is the responsibility of every member of the university community to foster an environment free of Prohibited Conduct. All members of the university community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. The university will support and assist community members who take such actions. Also, many university employees must report Prohibited Conduct to the university (see Section IX below).

Retaliation against any individual who, in good faith, reports or participates in the reporting, investigation, or adjudication of and/or is a party to an investigation related to Prohibited Conduct is impermissible, unlawful and will not be tolerated by the university.

This policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the Prohibited Conduct precedes the effective date of this Policy, the definitions of misconduct in effect at the time of the alleged incident(s) will be applied. The procedures under this Policy, however, will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the incident(s) occurred.

#### **IV. PROHIBITED CONDUCT UNDER THIS POLICY**

Conduct under this Policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expression of the complainant or respondent. Prohibited Conduct includes the following specifically defined forms of behavior: discrimination, discriminatory harassment, sexual, gender-based or Title IX sexual harassment, sexual assault, sexual exploitation, relationship violence, stalking, complicity, and retaliation. These definitions may overlap with Florida criminal statutes in some cases and provide greater protection in other instances.

##### **A. DISCRIMINATION**

Discrimination is any unlawful distinction, preference, or detriment to an individual that is based upon an individual's race, color, ethnicity, national origin, religion, non-religion, age, genetic information, sex (including pregnancy and parental status, gender identity or expression, or sexual orientation), marital status, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), political affiliations, veteran's status (as protected under the Vietnam Era Veterans' Readjustment Assistant Act), or membership in other protected classes set forth in state or federal law and that: (1) excludes an individual from participation in; (2) denies the individual the benefits of; (3) treats the individual differently with regard to; or (4) otherwise adversely affects a term or condition of an individual's employment, education, living



environment or participation in a university program or activity.

Discrimination includes failing to provide a reasonable accommodation, consistent with state and federal law, to persons with disabilities. The University of Central Florida is committed to achieving equal educational and employment opportunity and full participation for persons with disabilities. Also, discrimination includes failing to reasonably accommodate an employee's or student's religious practices where the accommodation does not impose an undue hardship. For more information regarding discrimination, please visit [www.oie.ucf.edu](http://www.oie.ucf.edu).

B. DISCRIMINATORY HARASSMENT

Discriminatory harassment consists of verbal, physical, electronic or other conduct based upon an individual's race, color, ethnicity, national origin, religion, non-religion, age, genetic information, sex (including pregnancy and parental status, gender identity or expression, or sexual orientation), marital status, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), political affiliations, veteran's status (as protected under the Vietnam Era Veterans' Readjustment Assistant Act), or membership in other protected classes set forth in state or federal law that interferes with that individual's educational or employment opportunities, participation in a university program or activity, or receipt of legitimately-requested services meeting the description of either *Hostile Environment Harassment* or *Quid Pro Quo Harassment*, as defined above.

Discriminatory harassment may take many forms, including verbal acts, name-calling, graphic or written statements (via the use of cell phones or the Internet), or other conduct that may be humiliating or physically threatening.

C. SEXUAL, GENDER-BASED, OR TITLE IX SEXUAL HARASSMENT

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions for *Hostile Environment Harassment* or *Quid Pro Quo Harassment* are present.

Sexual harassment also may include inappropriate touching, acts of sexual violence, suggestive comments and public display of pornographic or suggestive calendars, posters, or signs where such images are not connected to any academic purpose. A single incident of sexual assault (as defined below) may be sufficiently severe to constitute a hostile environment.

Gender-based harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of

aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions for *Hostile Environment Harassment* or *Quid Pro Quo Harassment* are present.

University investigations of incidents that meet the Title IX Sexual Harassment definition will be investigated pursuant to UCF Policy 2-012 Title IX Grievance Policy. Title IX Sexual Harassment includes conduct that occurs on the basis of sex in a university education program or activity in the United States that satisfies one or more of the following:

- An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e., Quid Pro Quo);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e., hostile environment); or
- Sexual assault (as defined by the Clery Act), or "dating violence," "domestic violence," and "stalking" (as defined by the VAWA).

And also meets the following criteria: The conduct is alleged to have occurred:

- a. On or after August 14, 2020;
- b. Against a person located in the United States; and,
- c. In or as part of the university's activity or program.

#### D. SEXUAL ASSAULT

Sexual assault consists of sexual contact that occurs without consent. Sexual contact includes but is not limited to the following behaviors:

1. touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; and/or
2. contact, however slight, between the mouth, anus, or sex organ of one individual with either the anus or sex organ of another individual; and/or
3. contact, however slight, between the anus or sex organ of one individual and any other object.

#### **The university offers the following guidance on consent and assessing incapacitation:**

A person who wants to engage in a specific sexual activity is responsible for obtaining consent for that activity. The lack of a negative response or protest does not constitute consent. Lack of resistance does not constitute consent. Silence and/or passivity also do not constitute consent. Relying solely on non-verbal communication before or during sexual activity can lead to a misunderstanding and may result in a violation of this Policy. It is

important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

Consent to one form of sexual activity does not, by itself, constitute consent to another form of sexual activity. For example, one should not presume that consent to oral-genital contact constitutes consent to vaginal or anal penetration. Consent to sexual activity on a prior occasion does not, by itself, constitute consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of consent.

Once consent has been given to a particular sexual activity, it may be withdrawn at any time. An individual who seeks to withdraw consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once consent is withdrawn, the sexual activity must cease immediately.

In evaluating consent in cases of alleged incapacitation, the university asks two questions: (1) Did the person initiating sexual activity know that the other party was incapacitated? and if not, (2) Should a sober, reasonable person in the same situation have known that the other party was incapacitated? If the answer to either of these questions is "YES," consent was absent, and the conduct is likely a violation of this Policy.

A person may or may not be incapacitated as a result of drinking or using drugs. Alcohol-related or recreational drug-related incapacity results from a level of alcohol/drug ingestion that is more severe than minor impairment, being under the influence, drunkenness, or intoxication. A person could be incapacitated due to other reasons which may include: sleep, prescribed or over the counter medication, and/or mental, or physical disability. The impact of alcohol and drugs varies from person to person.

A person seeking to initiate sexual activity is not expected to be a medical expert in assessing incapacitation. The potential initiator must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, evidence of incapacity may be detected from context clues, such as:

- Slurred or incomprehensible speech;
- Bloodshot eyes;
- The smell of alcohol on their breath;
- Shaky equilibrium or unsteady gait;
- Vomiting;
- Incontinence;
- Combativeness or emotional volatility;
- Unusual behavior; and/or
- Unconsciousness.

Context clues are important in helping to determine incapacitation. These signs alone do not necessarily indicate incapacitation. A person who is incapacitated may not be able to understand some or all of the following questions:

- *“Do you know where you are?”*
- *“Do you know how you got here?”*
- *“Do you know what is happening?”*
- *“Do you know who is here with you?”*

One should be cautious before engaging in sexual contact when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether consent has been sought or given. If one has doubt about either party’s level of intoxication, the safe thing to do is to abstain from all sexual activity.

**Being impaired by alcohol or other drugs is no defense to any violation of this Policy.**

E. SEXUAL EXPLOITATION

Sexual exploitation is purposely or knowingly doing or attempting to do any of the following:

- Exposing of one’s body in such a manner that another party reasonably could be offended or to display sexual behavior which another person reasonably finds offensive;
- Voyeurism, including trespassing, spying, or eavesdropping for the purpose of sexual gratification;
- Soliciting sex acts from a minor by oral, written, or electronic means;
- Possessing, producing, or disseminating child pornography;
- Recording or photographing private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Disseminating or posting images of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
- Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
- Subjecting another person to human trafficking; or
- Exposing another person to a sexually transmitted infection or virus without the other’s knowledge.

F. RELATIONSHIP VIOLENCE

Relationship violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been

involved in a sexual, dating, spousal, domestic, or other intimate relationship. Relationship violence includes “dating violence” and “domestic violence,” as defined by VAWA. Consistent with VAWA, the university will evaluate the existence of an intimate relationship based upon the complainant’s statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Relationship violence may also include any form of Prohibited Conduct under this Policy, including sexual assault, stalking, and physical assault. Relationship violence may involve a pattern of behavior used to establish power and control over another person through fear and intimidation or may involve one-time conduct. A pattern of behavior is typically determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person. This behavior can be verbal, emotional, and/or physical and may be directed towards the former partner, their property, or other individuals. Examples of relationship violence may include, but are not limited to:

- Slapping;
- Pulling hair;
- Punching;
- Damaging another person’s property;
- Driving recklessly to scare someone;
- Name calling;
- Humiliating another person in public;
- Harassment directed toward a current or former partner or spouse; and/or
- Threats of abuse such as threatening to hit, harm, or use a weapon on another (whether the complainant or acquaintance, friend, or family member of the complainant), or other forms of verbal threats.

Harmful behavior that includes, but is not limited to, the true threat of or actual physical assault or abuse and/or harassment, is prohibited pursuant to *The Golden Rule*. Harmful behavior will be addressed under this Policy if it involves discriminatory harassment, sexual, gender-based, or Title IX sexual harassment, relationship violence, or is part of a course of conduct under the stalking definition.

#### G. STALKING

Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person’s safety or the safety of others, or to experience substantial emotional distress. Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact.

Stalking may include, but is not limited to:

- Non-consensual communications (face-to-face, telephone, email);
- Threatening or obscene gestures;
- Surveillance/following/pursuit;
- Showing up outside the targeted individual's classroom or workplace;
- Sending gifts and/or notes (romantic, bizarre, sinister, or perverted); and/or
- Making threats.

#### H. RETALIATION

Retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in or being a party to any proceeding under this policy, including requesting supportive measures (remedial and/or protective) for the purpose of interfering with any right or privilege secured by this Policy. Retaliation includes threatening, intimidating, discriminating, harassing, coercing and any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct. Also, an individual may be found to have engaged in retaliation when they were not a party to the initial report of discrimination. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct. In determining whether an act constitutes retaliation, the full context of the conduct will be considered, including the individual right to freedom of speech.

Retaliation can include, but is not limited to, actions taken by the university, actions taken by one student against another student, actions taken by an employee against another employee or student, or actions taken by a third-party against a student or employee. See UCF Policy 2-700 *Reporting Misconduct and Protection from Retaliation* for additional information on prohibited retaliation.

#### I. COMPLICITY

Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

### V. **UNDERSTANDING THE DIFFERENCE BETWEEN PRIVACY AND CONFIDENTIALITY**

The university is committed to protecting the privacy of all individuals involved in the

investigation and resolution of a report under this policy. The university also is committed to providing assistance to help students, university and DSO employees and volunteers, and third parties make informed choices. With respect to any report under this policy, the university will take reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. Privacy and confidentiality have distinct meanings under this Policy.

**Privacy:** Privacy means that information related to a report of Prohibited Conduct will be shared with a limited number of university employees who “need to know” in order to assist in support of the complainant and in the assessment, investigation, and resolution of the report. All employees who are involved in the university’s response to reports of Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined at <http://registrar.ucf.edu/ferpa>. The privacy of an individual’s medical and related records generally is protected by the Health Insurance Portability and Accountability Act (“HIPAA”) and/or state laws governing protection of medical records. Access to an employee’s personnel records may be restricted in accordance with Florida law and applicable collective bargaining agreements.

**Confidentiality:** Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, victim advocates, and ordained clergy, all of whom may engage in confidential communications under Florida law. Under Florida law, these confidential employees must report to authorities if an individual discloses they are a minor (under 18), a judge subpoenas the university to release information to the court, an individual expresses homicidal or suicidal intent, or the confidential employee receives knowledge that a minor (under 18), elder, or person with an intellectual disability is at risk for abuse. The university has designated individuals who have the ability to have privileged communications as confidential employees. When information is shared by an individual with a confidential employee or a community professional with the same legal protections, the confidential employee (and/or such community professional) cannot reveal any information that could identify the individual to any third-party except where required or permitted by law. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse, neglect, or exploitation of a minor under the age of 18 or a vulnerable adult (as defined in Florida Statutes Section 415).

## VI. EMPLOYEE REPORTING RESPONSIBILITIES

### A. RESPONSIBLE EMPLOYEE REPORTING OBLIGATIONS

An employee's responsibility to report under this Policy is governed by the employee's role at the university. Confidential employees are not required to report Prohibited Conduct to the university when the disclosure is made while serving in the role that entitles them under state law to have privileged communications. Responsible employees are required to immediately report to the university's Office of Institutional Equity all relevant details (obtained directly or indirectly) about an incident of sex/gender-based discrimination or harassment, sexual harassment, Title IX sexual harassment, sexual assault, sexual exploitation, relationship violence, and/or stalking (as defined herein) that involves any student as a complainant, respondent, and/or witness, including dates, times, locations, and names of parties and witnesses.<sup>1</sup> Reporting is required when the responsible employee knows (by reason of a direct or indirect disclosure) or should have known of such sex/gender-based discrimination or harassment, sexual harassment, Title IX sexual harassment, sexual assault, sexual exploitation, relationship violence, and/or stalking. Responsible employees include but are not limited to faculty (full-time and part-time), staff (full-time and part-time), resident assistants, graduate students with classroom responsibilities, CSAs, and DSOs. This manner of reporting may help inform the university of the general extent and nature of Prohibited Conduct on and off campus so the university can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. If a responsible employee is uncertain if specific conduct constitutes conduct that must be reported, the responsible employee should contact the Office of Institutional Equity for assistance with making this determination.

Responsible employees are not required to report information disclosed (1) at public awareness events (e.g., "Light Up the Night," Clothesline Project, candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose incidents of Prohibited Conduct; collectively, "Public Awareness Events"); (2) during a student's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research"); or (3) as part of coursework submitted to an instructor in connection with a course assignment. Even in the absence of such obligation, all employees are encouraged to contact the Title IX coordinator if they become aware of information that suggests a safety risk to the university community or any member thereof. The university may provide information about students' Title IX and/or other civil rights and about available university and community resources and support at Public Awareness



Events. Also, Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all student subjects of IRB Research.

B. DEAN, DIRECTOR, DEPARTMENT HEAD, AND SUPERVISOR REPORTING OBLIGATIONS

Under this Policy, deans, directors, department heads, and supervisors are required to report to the Office of Institutional Equity all relevant details about an incident of Prohibited Conduct where either the complainant or the respondent is an university or DSO employee or volunteer. Reporting is required when such deans, directors, department heads and supervisors know (by reason of direct or indirect disclosure) or should have known of such Prohibited Conduct. If a dean, director, department head or supervisor is uncertain if specific conduct constitutes conduct that must be reported, the Office of Institutional Equity should nevertheless be contacted for assistance with making this determination.

All university and DSO employees and volunteers are strongly encouraged to report to law enforcement any conduct that could potentially present a danger to the community or may be a crime under Florida law.

C. CLERY REPORTING OBLIGATIONS

Under the Clery Act, certain university employees are designated as CSAs. The function of a CSA is to report to the UCF Police Department those allegations of Clery Act and/or VAWA crimes that they receive and believe were made in good faith. This includes crimes where the victim chooses to remain anonymous. Based on information reported to CSAs, the university includes statistics about certain criminal offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the university to issue emergency notifications and timely warnings to the university community about certain reported crimes that may pose a serious or continuing threat to the campus community. Consistent with the Clery Act and UCF Policy 3-116 *Emergency Notification (UCF Alert) System*, the university will never include a complainant's personal identifying information when issuing an emergency notification and/or timely warning to the university community. Pastoral counselors and professional counselors are exempt from reporting when a crime is reported to them and they are functioning within the scope of that recognition or licensure, unless required by law.

D. CHILD ABUSE REPORTING OBLIGATIONS

All university and DSO employees and volunteers are mandated reporters of child abuse, neglect or abandonment as defined by Chapter 39 of the Florida Statutes and must comply with Florida's mandated reporting laws. *See* Florida Statutes Sections 39.201 to 39.205 and UCF Policy 2-005 *Youth Protection* for additional information on reporting of child abuse. These laws and university policy require any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected to report such knowledge or suspicion to the Florida Department of Children and Families (DCF), regardless of where it occurs. For purposes of this section, the age of the person at the time of the incident of child abuse, neglect, or abandonment (not the time when the employee is made aware or has reasonable cause to suspect the abuse) triggers the reporting duty. In addition, Florida Statutes and Board of Governors Regulation require the UCF Police Department and certain administrators (president, provost, senior/executive vice presidents, vice presidents, associate vice presidents, associate/vice provosts, deans, chief of police, equal opportunity programs director, intercollegiate athletics director, internal audit director, Title IX coordinator, and university compliance officer) upon receiving information from faculty, staff, or other institutional employees of known or suspected child abuse, abandonment, or neglect committed on university property, or during a university-sponsored event or function to report such knowledge or suspicion to the DCF. The law further prohibits UCF administrators from knowingly and willfully preventing another person from reporting such activity. Reports can be made to the DCF by:

- Fax: 1-800-914-0004 (Form available at
- <https://www.myflfamilies.com/service-programs/abuse-hotline/docs/faxreport.pdf>)
- Web: <https://reportabuse.dcf.state.fl.us/>
- Florida Abuse Hotline: 1-800-96ABUSE (1-800-962-2873) (Or TDD: 1-800-453-5145)

**If a child is in imminent danger, dial 911 first and then report to DCF.**

## **VII. COMPLAINANT OPTIONS FOR REPORTING PROHIBITED CONDUCT**

There are two channels for reporting Prohibited Conduct – to the university and/or to law enforcement. A complainant may choose to report through either channel or to both as these reporting options are not mutually exclusive. Therefore, complainants may choose to pursue both the university process and the criminal process concurrently. The university will support complainants in understanding, assessing, and pursuing these options.

The first priority for any individual should be personal safety and well-being. In addition to seeking immediate medical care, the university encourages all individuals to seek immediate assistance from 911, UCF Police, and/or local law enforcement. This is the best option to ensure preservation of evidence. The university also strongly urges that law

enforcement be notified immediately in situations that may present imminent or ongoing danger.

A. REPORTING TO LAW ENFORCEMENT

Conduct that violates this Policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the State of Florida criminalizes and punishes some forms of sexual assault, relationship violence, sexual exploitation, stalking, and physical assault. *See* Chapters 741, 784, and 794 of the Florida statutes. Whether or not any specific incident of Prohibited Conduct may constitute a crime is a decision made solely by law enforcement. Similarly, the decision to arrest any individual for engaging in any incident of Prohibited Conduct is determined solely by the law enforcement agency responsible for investigating the incident. Such decisions are based on a number of factors, including availability of admissible evidence.

Complainants have the right to notify or decline to notify law enforcement. In keeping with its commitment to take all appropriate steps to eliminate, prevent, and remedy all Prohibited Conduct, the university urges complainants (or others who become aware of potential criminal conduct) to report Prohibited Conduct immediately to local law enforcement by contacting:

- i. 911 (for emergencies)
- ii. University Police (for non-emergencies): (407) 823-5555  
24/7 Emergency Abroad Hotline: (407) 823-0595
- iii. State Police (for conduct occurring off campus) (850) 410-7000
- iv. Orange County Sheriff's Office: (407) 254-7000
- v. Seminole County Sheriff's Office: (407) 665-6600
- vi. City of Orlando Police Department: (407) 246-2470
- vii. Brevard County Sheriff's Office: (321) 264-5201
- viii. Osceola County Sheriff's Office: (407) 348-1100
- ix. Volusia County Sheriff's Office: (386) 943-7866
- x. Lake County Sheriff's Office: (352) 343-2101
- xi. Marion County Sheriff's Office: (352) 402-6000

Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking an injunction. Although a police report may be made at any time, complainants should be aware that delayed reporting may diminish law enforcement's ability to take certain actions, including collecting forensic evidence and making arrests. The university will assist complainants in notifying law enforcement if they choose to do so. Under limited circumstances posing a threat to the health or safety of any university community member, the university may independently notify law

enforcement.

**B. REPORTING TO THE UNIVERSITY**

Complainants (or others who become aware of an incident of Prohibited Conduct) are encouraged to report the incident to the university by contacting the Office of Institutional Equity by telephone, email, or in person during regular office hours (8am-5pm, M-F):

Office of Institutional Equity  
12701 Scholarship Drive, Suite 101  
Orlando, FL 32816-0030  
(407) 823-1336  
[oiie@ucf.edu](mailto:oiie@ucf.edu); <https://oiie.ucf.edu> <https://letsbeclear.ucf.edu>

There is no time limit for a complainant to report Prohibited Conduct to the university under this Policy; however, the university's ability to respond may diminish over time, as evidence may erode, memories may fade, and respondents may no longer be affiliated with the university. This statement does not relieve responsible employees of their obligation to report sex/gender-based discrimination or harassment, sexual harassment, Title IX sexual harassment, sexual assault, relationship violence, sexual exploitation and/or stalking involving a student immediately to the Office of Institutional Equity. If the respondent is no longer a student, or university or DSO employee or volunteer, the university will provide reasonably appropriate remedial measures, assist the complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

To encourage reporting, any individual (including a bystander or third-party) who makes a good faith report of Prohibited Conduct will not be subject to disciplinary action by the university for the reporter's own personal use of alcohol or drugs at or near the time of the incident provided any such violations did not harm or place the health or safety of any other person at risk. The university may offer support, resources, and educational counseling to such an individual.

**VIII. ACCESSING CAMPUS AND COMMUNITY RESOURCES AND SUPPORTIVE MEASURES**

The university offers a wide range of resources for all students and employees to provide support and guidance in response to any incident of Prohibited Conduct. Comprehensive information on accessing university and community resources is contained online at the following sites:

- UCF Let's Be Clear: <https://letsbeclear.ucf.edu>
- Discrimination and discriminatory harassment where the respondent is a university or DSO employee or volunteer, or third-party: <https://oie.ucf.edu>
- Related student code violations where the respondent is a student: <https://oie.ucf.edu/> or <http://osrr.sdes.ucf.edu/>
- Office of Student Rights and Responsibilities: <http://osrr.sdes.ucf.edu>
- Student Conduct and Academic Integrity: <https://scai.sdes.ucf.edu/>
- Victim Services: <http://victimservices.ucf.edu>
- Student Care Services: <http://scs.sdes.ucf.edu>

Available resources include but are not limited to: emergency and ongoing assistance; health, mental health, and victim-advocacy services; options for reporting Prohibited Conduct to the university and/or law enforcement; and available support with academics, housing, and employment. For more information about resources and supportive measures, please visit <https://letsbeclear.ucf.edu/>.

#### A. REMEDIAL, SUPPORTIVE AND PROTECTIVE MEASURES

The university offers a wide range of resources for students, and university and DSO employees and volunteers whether as complainants, witnesses, or respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The university will offer reasonable and appropriate measures to protect a complainant and respondent, and facilitate the complainant's continued access to university employment or education programs and activities. These measures may be both remedial (designed to address a complainant's safety and well-being and continued access to educational opportunities) or protective (designed to reduce the risk of harm to an individual or community). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, residence modifications, academic modifications and support, work schedule modifications, suspension from employment, and pre-disciplinary leave from employment (with or without pay). Remedial and protective measures are available regardless of whether a complainant pursues a complaint or investigation under this Policy. Also, remedial measures may be taken before the university's determination of whether the Prohibited Conduct occurred, as well as when the respondent is not affiliated with the university.

The university will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of the remedial and protective measures. The university has the discretion to impose and/or modify any remedial or protective measure based on all available information, and is available to meet with a complainant or respondent to address any concerns about the provision of remedial or protective measures.

The university will provide reasonable remedial and protective measures to third parties as appropriate and available, taking into account the role of the third-party and the nature of any contractual relationship with the university.

**B. INTERIM ACTIONS**

In addition to remedial and protective measures, an interim action may be imposed on a student or student organization in accordance with *The Golden Rule* prior to the resolution of an investigation. Also, an employee may be placed on paid or unpaid administrative leave prior to the resolution of an investigation. Such actions may be taken when, in the professional judgment of a university official, a threat of imminent harm to persons or property exists. Interim administrative action is not a sanction. It is taken in an effort to protect the safety and well-being of the complainant and/or respondent, of others, of the university, or of property. Interim administrative action is preliminary in nature; it is in effect only until there is a resolution of the student or employee conduct matter.

With regard to a student or student organization, university officials designated to impose an interim action through *The Golden Rule* include, but are not limited to, the vice president of Student Development and Enrollment Services (SDES) or designee, and the director of the Office of Student Conduct and Academic Integrity or designee, upon notifying the vice president of SDES. With regard to an employee, the provost or designee and/or the employee's supervisor will impose an interim action.

**IX. INAPPROPRIATE AMOROUS RELATIONSHIPS**

For the purposes of this Policy, "amorous relationships" are defined as intimate, sexual, and/or any other type of amorous encounter or relationship, whether casual or serious, short-term or long-term.

**A. STUDENT CONTEXT**

All faculty and staff must be aware that amorous relationships with students are likely to lead to difficulties and have the potential to place faculty and staff members at great personal and professional risk. The power difference inherent in the faculty-student or staff-student relationship means that any amorous relationship between a faculty or staff member and a student is potentially exploitative or could at any time be perceived as exploitative and should be avoided. Faculty and staff members engaged in such relationships should be sensitive to the continuous possibility that they may unexpectedly be placed in a position of responsibility for the student's instruction or evaluation. In the event of a charge of sexual harassment arising from such circumstances, the university will in general be unsympathetic to a defense based upon consent when the facts establish that

a faculty-student or staff-student power differential existed within the relationship.

#### 1. Undergraduate Students

Subject to the limited exceptions herein, all university and DSO employees and volunteers are prohibited from pursuing or engaging in an amorous relationship with any undergraduate student.

#### 2. Graduate Students

With respect to graduate students (defined as any student enrolled at the university for post-baccalaureate education in any discipline or professional program), all university and DSO employees and volunteers are prohibited from pursuing or engaging in an amorous relationship with a graduate student under that individual's authority. Situations of authority include, but are not limited to: teaching; formal mentoring or advising; supervision of research; employment of a student as a research or teaching assistant; exercising substantial responsibility for grades, honors, or degrees; and involvement in disciplinary action related to the student.

Students and university and DSO employees and volunteers alike should be aware that pursuing or engaging in an amorous relationship with any graduate student will limit the employees' or volunteers' ability to teach, mentor, advise, direct work, employ, and promote the career of the student involved.

#### 3. Graduate Students in Positions of Authority

Like faculty and staff members, graduate students may themselves be in a position of authority over other students; for example, when serving as a teaching assistant in a course or when serving as a research assistant and supervising other students in research. The power difference inherent in such relationships means that any amorous relationship between a graduate student and another student over whom they have authority is potentially exploitative and should be avoided. All graduate students currently or previously engaged in an amorous relationship with another student are prohibited from serving in a position of authority over that student. Graduate students also should be sensitive to the continuous possibility that they may unexpectedly be placed in a position of responsibility for another student's instruction or evaluation.

#### 4. Pre-existing Relationships with Any Student

The university recognizes that an amorous relationship with a university or DSO employee or volunteer may exist prior to the time that an undergraduate student enrolls at the university or may have existed and terminated prior to the undergraduate student's enrollment. Similarly, the university recognizes that with graduate students, an amorous relationship with a university or DSO employee or volunteer may exist (or have previously existed and terminated) prior to the time the employee or volunteer is placed in a position of authority over the graduate student. A "position of authority" includes teaching; formal

mentoring or advising; supervising research; exercising responsibility for grades, honors, or degrees; considering disciplinary action involving the student; or employing the student in any capacity – including but not limited to student employment and internships, work study, or as a research or teaching assistant. Where there is a pre-existing amorous relationship that relationship must be disclosed to the Office of Institutional Equity, which may alert other offices as appropriate (i.e., Human Resources or the Office of the Provost). This disclosure must be made by the employee in a position of authority immediately if the student is an undergraduate, and prior to accepting a supervisory role of any type over any graduate student.

Unless effective steps have been taken in conjunction with Human Resources and/or the applicable dean or vice president to eliminate any potential conflict of interest in accordance with this Policy, all university and DSO employees and volunteers currently or previously engaged in an amorous relationship with a student are prohibited from being in a position of authority over that student.

Similarly, all graduate students currently or previously engaged in an amorous relationship with another student are prohibited from serving in a position of authority over that student.

Following disclosure of an existing amorous relationship to the university, if the amorous relationship ends, the employee in a position of authority must immediately advise the Office of Institutional Equity and relevant dean or vice president.

#### 5. If an Amorous Relationship Occurs with Any Student

If, despite these warnings, a university or DSO employee, or graduate student becomes involved in an amorous relationship with a student in violation of this Policy, the employee or graduate student must disclose the relationship immediately to the Office of Institutional Equity, which may alert other offices as appropriate (i.e., Human Resources or the Office of the Provost). Absent an extraordinary circumstance, no relationships in violation of this Policy will be permitted while the student is enrolled, or the faculty or staff member is employed by the university. In most cases, it will be unlikely that an acceptable resolution to the conflict of interest will be possible, and the employees' employment standing or the graduate student's position of authority may need to be adjusted until there is no longer a supervisory or other authority relationship over the student.

In addition to the amorous relationship itself, a university or DSO employee or graduate student's failure to report the existence of an amorous relationship that is prohibited by this Policy is also a violation of this Policy and may be cause for separation from the university. The university encourages immediate self-reporting, and will consider this factor in the context of any resolution that may be able to be reached.

Following disclosure of an existing amorous relationship to the university, if the amorous relationship ends, the employee in a position of authority must immediately advise the Office of Institutional Equity and relevant dean or vice president.



## B. EMPLOYMENT CONTEXT

Amorous relationships between supervisors and their subordinate employees or volunteers often adversely affect decisions, distort judgment, and undermine workplace morale for all persons, including those not directly engaged in the relationship. Any university employee who participates in supervisory or administrative decisions concerning an employee or volunteer with whom that individual has or has had an amorous relationship has a conflict of interest in those situations. These types of relationships, specifically those involving spouses and/or individuals who reside together, also may violate the State Code of Ethics for Public Officials as well as UCF Policy 3-008 *Employment of Relatives*.

Accordingly, the university prohibits all university and DSO employees from pursuing or engaging in amorous relationships with employees whom they supervise. No supervisor shall initiate or participate in institutional decisions involving a direct benefit or penalty (employment, retention, promotion, tenure, salary, leave of absence, etc.) to a person with whom that individual has or has had an amorous relationship. The individual in a position of authority can be held accountable for creating a sexually hostile environment or failing to address a sexually hostile environment and thus should avoid creating or failing to address a situation that adversely impacts the working environment of others.

### 1. Pre-existing Amorous Relationships Between Supervisors and Subordinate Employees or Volunteers

The university recognizes that an amorous relationship may exist prior to the time an individual is assigned to a supervisor. Supervisory, decision-making, oversight, evaluative or advisory relationships for someone with whom there exists or previously has existed an amorous relationship is unacceptable unless effective steps have been taken to eliminate any potential conflict of interest in accordance with this Policy. The current or prior existence of such a relationship must be disclosed by the employee in a position of authority prior to accepting supervision of the subordinate employee or volunteer to the Office of Institutional Equity (OIE), which may alert other offices as appropriate (i.e., Human Resources or the Office of the Provost).

Once OIE, Human Resources or Office of the Provost has determined that the disclosed relationship constitutes a conflict of interest, in consultation with the appropriate university administrators, the relevant dean or vice president will determine, at their sole discretion, whether and how the conflict of interest can be eliminated through termination of the situation of authority.

Following disclosure of an existing amorous relationship to the university, if the amorous relationship ends, the employee in a position of authority must immediately advise the Office of Institutional Equity and relevant dean or vice president.

2. If an Amorous Relationship Occurs or has Occurred between a Supervisor and her/his Subordinate Employee or Volunteer

If, despite these warnings, an employee or DSO enters into an amorous relationship with someone over whom that individual has supervisory, decision-making, oversight, evaluative, or advisory responsibilities in violation of this Policy, then that employee must disclose the existence of the relationship immediately to the Office of Institutional Equity, which may alert other offices as appropriate (i.e. Human Resources or the Office of the Provost). Once OIE, Human Resources, or the Office of the Provost has determined that the disclosed relationship constitutes a conflict of interest, in consultation with appropriate university administrators, the relevant dean or vice president will determine, at their sole discretion, whether and how the conflict of interest can be eliminated through termination of the situation of authority. An acceptable resolution to the conflict of interest may not be possible. If the conflict of interest cannot be eliminated, the supervisor's employment standing may need to be adjusted. In addition to the amorous relationship itself, a supervisor's failure to report the existence of the relationship with a subordinate employee is also a violation of this Policy. The university encourages immediate self-reporting, and will consider this factor in the context of any resolution that may be able to be reached.

Following disclosure of an existing amorous relationship to the university, if the amorous relationship ends, the employee in a position of authority must immediately advise the Office of Institutional Equity and relevant dean or vice president.

## **X. PREVENTION, AWARENESS AND TRAINING PROGRAMS**

The university is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive mandatory primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education and awareness programs. The university provides training, education and awareness programs to students, employees, registered student organizations, and DSOs to ensure a broad understanding of this Policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination. Accordingly, students and employees are expected to attend the ongoing training and awareness programs and review this Policy so that they can contribute to the commitment of maintaining a safe and non-discriminatory learning, living and working environment for all members of the university.

For a description of the university's Prohibited Conduct prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, see the university's annual security reports found online at: <https://police.ucf.edu/crime-statistics>.

## **XI. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION**

All university community members are expected to provide truthful information in any

report, investigation, or proceeding under this Policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions under *The Golden Rule Student Handbook* (for students or student organizations), and any other applicable and appropriate university policy and regulations (for employees). This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

## **XII. PROCEDURES**

The specific procedures for reporting, investigating, and resolving Prohibited Conduct are based upon the nature of the respondent's relationship to the university (student, employee, registered student organization, DSO, or third party). Each set of procedures referenced below is guided by the same principles of fairness and respect for complainants and respondents. The procedures referenced below provide for a prompt and equitable response to reports of Prohibited Conduct. The procedures designate specific timeframes for major stages of the process, provide for thorough and impartial investigations that afford the complainant and respondent notice and an opportunity to present witnesses and evidence, and assure equal and timely access to the information that will be used in determining whether a Policy violation has occurred. The university applies the preponderance of the evidence standard when determining whether this Policy has been violated. "Preponderance of the Evidence" means that it is more likely than not that a Policy violation occurred.

### **A. WHERE THE RESPONDENT IS A STUDENT OR REGISTERED STUDENT ORGANIZATION**

The procedures for responding to reports of Title IX Sexual Harassment and Prohibited Conduct committed by students and registered student organizations are detailed in UCF Policy 2-012 *Title IX Grievance Policy* and UCF's *The Golden Rule Student Handbook* (<http://goldenrule.sdes.ucf.edu/>).

### **B. WHERE THE RESPONDENT IS A UNIVERSITY OR DSO EMPLOYEE**

The procedures for responding to reports of Title IX Sexual Harassment and Prohibited Conduct committed by employees and DSOs are detailed in UCF Policy 2-012 *Title IX Grievance Policy* and UCF's Office of Institutional Equity's *Discrimination Grievance Investigation Process*.  
<https://oie.ucf.edu/documents/OIEInvestigationProcedures.pdf>

### **C. WHERE THE RESPONDENT IS BOTH A STUDENT AND AN EMPLOYEE**

- The student-respondent procedures will apply if the respondent's primary status is as a student.
- The employee-respondent procedures will apply if the respondent's primary status is as an employee.

- If there is a question as to the predominant role of the respondent, the university will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the Title IX Sexual Harassment or Prohibited Conduct). The student-respondent procedures typically will apply to graduate students except in those cases where the graduate student's assistantship role predominated in the context of the Title IX Sexual Harassment or Prohibited Conduct. Further, where a respondent is both a student and an employee (including but not limited to graduate students), the respondent may be subject to any of the sanctions applicable to students or employees.

D. WHERE THE RESPONDENT IS A THIRD-PARTY

The university's ability to take appropriate corrective action against a third-party will be determined by the nature of the relationship of the third-party to the university. The university will determine the appropriate manner of resolution consistent with the university's commitment to a prompt and equitable process under federal law, federal guidance, and this Policy.

**XIII. RELATED INFORMATION**

A. STUDENTS AS RESPONDENTS

The Golden Rule: <http://goldenrule.sdes.ucf.edu/>

[UCF Policy 2-012 Title IX Grievance Policy](#)

B. EMPLOYEES AND THIRD PARTIES AS RESPONDENTS

Regulation UCF-3.001 Non-Discrimination; Affirmative Action Programs

<http://regulations.ucf.edu/docs/notices/3.001Non-DiscrimAffirmActionsPrograms Nov10.pdf>

Regulation UCF-3.0134 Grievances Alleging Discrimination

<http://regulations.ucf.edu/docs/notices/3.0134GrievancesAllegingDiscrimination finalMay09 000.pdf>

[UCF Policy 2-012 Title IX Grievance Policy](#)

[UCF Policy 2-700 Reporting Misconduct and Protection from Retaliation](#)

C. STATE AND FEDERAL LAWS

Americans with Disabilities Act

<https://www.dol.gov/general/topic/disability/ada>

Florida Civil Rights Act of 1992

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0700-0799/0760/0760PARTIContentsIndex.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0760/0760PARTIContentsIndex.html)

Florida Educational Equity Act

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=1000-1099/1000/Sections/1000.05.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1000/Sections/1000.05.html)

Florida Statute 39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0000-0099/0039/Sections/0039.201.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0039/Sections/0039.201.html)

Title VI of the Civil Rights Act of 1964

<https://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/pdf/USCODE-2010-title42-chap21-subchapV.pdf>

Title VII of the Civil Rights Act of 1964

<https://www.eeoc.gov/laws/statutes/titlevii.cfm>

Title IX of the Education Amendments of 1972

<https://www.gpo.gov/fdsys/pkg/USCODE-2013-title20/pdf/USCODE-2013-title20-chap38.pdf>

Section 503 of the Rehabilitation Act of 1973

<https://www.dol.gov/agencies/ofccp/section-503/law>

Section 504 of the Rehabilitation Act of 1973

<https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973>

The Age Discrimination in Employment Act of 1967

<https://www.eeoc.gov/laws/statutes/adea.cfm>

The Genetic Information Nondiscrimination Act of 2008

<https://www.eeoc.gov/laws/statutes/gina.cfm>

The Equal Pay Act of 1963

<https://www.eeoc.gov/laws/statutes/epa.cfm>

Violence Against Women Reauthorization Act of 2013

<https://www.congress.gov/bill/113th-congress/senate-bill/47/text>

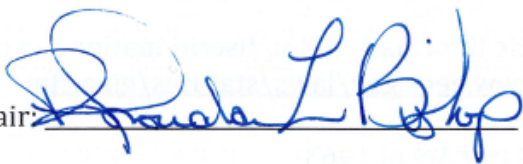

#### **XIV. CONTACTS**

The Title IX coordinator is charged with monitoring the university's compliance with Title

IX, ensuring appropriate education and training, coordinating the university's investigation, response, and resolution of all reports under this Policy and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. UCF's Office of Institutional Equity oversees reports involving students, employees, registered student organizations, DSOs, and third parties. The university also has designated deputy Title IX coordinators who may assist the Title IX coordinator in the discharge of these responsibilities. The Title IX coordinator and deputy Title IX coordinators receive ongoing appropriate training to discharge their responsibilities. Concerns about the university's application of Title IX may be addressed to the Title IX coordinator. Additionally, concerns about the university's application of Title VII and/or other federal and state anti-discrimination laws may be addressed to the Office of Institutional Equity. The Title IX coordinator and Office of Institutional Equity can be contacted by telephone, email, or in person during regular office hours as follows: 12701 Scholarship Drive, Suite 101, Orlando, FL 32816-0030; Phone: 407-823-1336; Email: oie@ucf.edu. The identities and contact information for the Title IX coordinator and Deputy Title IX Coordinators can be found at <https://letsbeclear.ucf.edu>

External reporting options include the United States Department of Education, Clery Act Compliance Team (at [clery@ed.gov](mailto:clery@ed.gov)); the United States Department of Education, Office for Civil Rights (at [OCR@ed.gov](mailto:OCR@ed.gov) or 800-421-3481); the Equal Employment Opportunity Commission (at [info@eeoc.gov](mailto:info@eeoc.gov) or 800-669-4000); and/or the Florida Commission on Human Relations (800-342-8170).

**XV. INITIATING AUTHORITY** Vice President for Compliance and Risk

<b>POLICY APPROVAL</b> <b>(For use by the Office of the President)</b>	
Policy Number: 2-004.2	
University Policies and Procedures Committee Chair: <u></u>	Date: <u>10/6/20</u>
President or Designee: <u></u>	Date: <u>10/14/20</u>

History 2-004 6/9/2017; 2-004.1 11/30/2017; EP-20-4 8/13/2020