



Number: 0-004
Title: Sexual Misconduct/Sexual Harassment (Including Sexual Violence)
Responsible Office: Title IX Office

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I. PURPOSE AND INTENT

The University of South Florida (USF) community is most successful when it is based on respect and fair treatment of all people. USF strives to provide a work and study environment for faculty, staff, guests and visitors that is free of discrimination based on sex (including pregnancy) and sexual harassment, including sexual violence. As part of the effort to maintain a safe environment, USF establishes this Policy.

USF prohibits sexual misconduct and sexual harassment, including sexual violence. USF has a designated the Title IX Office where voluntary and mandatory Reports and Complaints are to be filed. The USF Title IX office will review the report or complaint and provide appropriate response, which may include referrals to services or other USF offices, supportive measures, alternative resolutions, or formal investigations. Pursuant to Title IX, USF does not discriminate on the basis of sex in educational programs or activities that it operates. Such protection extends to both employees and students.

Any questions or inquiries concerning the application of Title IX may be referred to the University's Title IX Coordinator. Up to date information may be found at <https://www.usf.edu/title-ix/>. The Title IX Coordinator is:

Margaret "Maggie" Denney
USF Title IX Office
4202 E. Fowler Avenue, ALN 172
Tampa, Florida 33620
(813) 974-8616; denney1@usf.edu

II. STATEMENT OF POLICY

Sexual harassment, including sexual violence, by or between any faculty member, staff, vendor, visitor or student, including individuals of the same sex, in all academic, educational, extracurricular, athletic, and other programs of the University, whether those programs take place in University facilities, at a class or training program sponsored by the University at another location, or elsewhere is prohibited.

Prohibited conduct does not include verbal expression, written, or other material that is relevant and appropriately related to the subject matter of USF course/curriculum or to an employee's duties.

All employees and students are strongly encouraged to cooperate fully with any investigation and/or compliance review conducted under this Policy. Failure to cooperate may impede or hamper the University's ability to conduct a full and fair investigation.

III. DEFINITION OF TERMS

1. **Advisor:** Any individual chosen by a Party to accompany the party to meetings related to the Title IX Process, to advise the party on the process, and to conduct cross-examination for the party at the Formal Hearing. See section XIII *General Principals* for more information.
2. **Complainant:** an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
3. **Complaint (formal):** a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity against a Respondent and requesting an investigation of the allegations.
4. **Confidential Resource:** an employee who is NOT a Mandated Reporter of harassment, discrimination, and/or retaliation. Examples include Counselors, Doctors, Nurses and Victim Advocates.
5. **Day:** a business day when USF is in normal operation.
6. **Education Program or Activity:** locations, events, or circumstances where USF exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by USF.
7. **Employee:** includes but is not limited to academic administrators; all faculty; administration employees; staff employees; temporary employees, or any other employee classifications that may be developed by the Florida Board of Governors or University Board of Trustees.
8. **Final Determination:** the decision made by a Hearing Panel or Hearing Administrator at the conclusion of a hearing using the standard of proof. Includes any/all findings, whether a policy violation occurred, and any proposed sanctions if sanctions are applicable.

9. **Finding:** a conclusion by the standard of proof that the conduct did or did not occur as alleged.
10. **Formal Process:** a method of formal resolution designated by USF to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.
11. **Hearing Decision-Maker (or Hearing Panel):** refers to those who have decision-making and sanctioning authority within USF's Formal Process.
12. **Investigator:** the person(s) charged by USF with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of related evidence.
13. **No Contact Order (NCO):** a non-punitive supportive measure administered by the Title IX Coordinator or SCED that prohibits directed contact between the Parties and applies to both individuals equally.
14. **Notice:** an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
15. **Official with Authority (OWA):** A University employee who has authority to institute corrective measures on behalf of the University. Includes Presidents, Provosts, Vice Presidents, Deans, Department Chairs, UPD, SOS, SCED, HR and Supervisors with authority to discipline.
16. **Party/Parties:** Complainant(s) and Respondent(s).
17. **Privileged Communication:** communication protected by law, except where waived by the party holding the privilege, and includes but is not limited to statements made between an attorney/client, doctor/patient, clergy/party.
18. **Program Invitee:** includes but is not limited to applicants for admission, employment, event attendees, and recipients of USF services.
19. **Remedies:** post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to USF's educational program.
20. **Report:** the notice anyone, including the Victim, may elect to submit, or that Responsible Employees are required to submit, to the Title IX Coordinator upon disclosure by the Victim or third party of sexual harassment. See section VI. for more information.
21. **Respondent:** an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
22. **Responsible Employee:** an employee of USF who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator. See section VI. for more information
23. **Resolution:** the result of an informal or Formal Process.
24. **Retaliation:** Words or action(s) taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from engaging in a protected activity. Retaliation may include intimidation, threats, coercion, physical harm and/or adverse employment or educational actions. Protected activity

includes an individual's participation in the reporting, investigation, and/or resolution of an alleged violation of University policy. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by either Party, or any other individual or group of individuals.

25. **Sanction:** a consequence imposed on a Respondent who is found to have violated USF policy.
26. **Student:** Any individual admitted, enrolled, or registered for any University course or program, regardless of the medium of the course or program, or degree-seeking status, or when not enrolled or registered for a particular term, who is eligible to enroll in future terms without seeking readmission. A student who withdraws, is academically dismissed after allegedly violating the Student Code of Conduct or has a continuing relationship with the University is still considered a student.
27. **Student Conduct & Ethical Development (SCED):** The office designated by the University to resolve concerns of student conduct.
28. **Supportive Measures** non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. See section VII. for more information.
29. **Title IX Coordinator:** official designated by USF to ensure compliance with Title IX. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
30. **Title IX Team:** refers to the Title IX Coordinator, Deputy Coordinators and Investigators or anyone working under the direction of the Title IX Coordinator to assist in ensuring compliance with Title IX including but not limited to Case Manager and Legal Externs.
31. **Title IX Office:** the central office responsible for coordinating the University's response and oversight of violations of Policy 0-004 and related state and federal laws and is the designated location for reports of sexual harassment, including sexual violence.
32. **Victim:** the person who experienced the sexual harassment.
33. **Violence:** Actually, and intentionally touching or striking another person against the will of the other.

IV. PROHIBITED CONDUCT OUTSIDE TITLE IX JURISDICTION

A. Scope and Applicability: The Director of Title IX & VAWA Compliance has the authority to determine which procedural standards and jurisdiction apply to specific instances of reported conduct. This Policy applies to any reported prohibited conduct, as defined herein, committed by students, employees (faculty, staff, or other paid employees), volunteers, visitors, contractors/vendors, or others, that occurs:

1. On University premises;
2. Or at University sponsored programs or activities;
3. Or off-campus as determined by the following factors (including, but not limited to):

- a. the conduct adversely affects or affected the University community;
- b. or the conduct endangers or endangered the health or safety of a University affiliate or others.

In instances of a formal Title IX complaint, the allegations will be reviewed to determine applicability of the University's Title IX process or other applicable processes. Other University resources may be available to address situations not covered by this Policy. Any identified individual adversely affected by prohibited conduct will be offered information on applicable support resources and resolution processes. For more information about prohibited conduct not based on sex, refer to the [Student Code of Conduct](#) for students, or [Equal Opportunity Policy 0-007](#) and [HR policies](#) for employees. Additional policies may apply. The following conduct is prohibited by this policy when such conduct is based on sex:

B. Sexual Exploitation: Taking non-consensual or abusive sexual advantage of an individual for their own benefit or for the benefit of anyone other than the individual being exploited, and that the conduct does not otherwise constitute sexual harassment under this policy. Examples of sexual exploitation include, but are not limited to::

1. Sexual voyeurism (such as observing or allowing others to observe an individual undressing or using the bathroom or engaging in sexual acts, without the consent of the individual being observed).
2. Invasion of sexual privacy.
3. Taking pictures, videos, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another individual to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed individual's consent), including the making or posting of revenge pornography.
4. Prostituting another individual.
5. Engaging in sexual activity with another individual while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other individual of the infection.
6. Causing or attempting to cause the incapacitation of another individual (through alcohol, drugs, or any other means) for the purpose of compromising that individual's ability to give consent to sexual activity, or for the purpose of making that individual vulnerable to non-consensual sexual activity.
7. Misappropriation of another individual's identity on apps, websites, or other venues designed for dating or sexual connections.
8. Forcing an individual to take an action against their will by threatening to show, post, or share information, video, audio, or an image that depicts the individual's nudity or sexual activity.
9. Knowingly solicitation a minor for sexual activity.

10. Engaging in sex trafficking

11. Creating, possession or dissemination of child pornography.

- C. Threats of Violence:** a threat by word or act to do violence to an individual(s).
- D. Hazing:** Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of an individual(s) for purposes of initiation and/or admission into, or association with and/or the perpetuation or furtherance of a tradition or ritual of any recognized student organization or non-affiliated organization. The consent or permission of the individual(s) does not eliminate responsibility. For more information see the [Student Code of Conduct](#).
- E. Harassment:** Conduct that is so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victims' educational experience, that the victims are effectively denied equal access to an institution's resources and opportunities.
Failure to abide by [0-007 Diversity and Equal Opportunity: Discrimination and Harassment Policy](#) and all University protocols and federal/state laws regarding discrimination.

V. PROHIBITED CONDUCT SPECIFIC TO TITLE IX JURISDICTION

- A.** Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity.
- B.** Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is further defined as conduct on the basis of sex that satisfies one or more of the following:
 - 1. **Quid Pro Quo Harassment:** A USF employee, conditions the provision of an aid, benefit, or service of the recipient, on an individual's participation in unwelcome sexual conduct; or
 - 2. **Sexual Harassment:** Unwelcome conduct based on sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
 - 3. **Sexual Assault** (defined as Sex Offenses, Forcible):
 - a) Any sexual act directed against another person, forcible or without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - b) **Forcible Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person forcibly or against that person's will (non-consensually) or in instances in which the Complainant is incapable of giving consent.

- c) **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly or against that person's will (non-consensually) or in instances in which the Complainant is incapable of giving consent.
 - d) **Sexual Assault with an Object:** The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person forcibly or against that person's will or in instances in which the Complainant is incapable of giving consent.
 - e) **Forcible Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, or against that person's will (non-consensually), or when the Complainant is incapable of giving consent.
4. **Sex Offenses, Non-forcible:**
 - a) **Incest:** Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Florida law.
 - b) **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent of 18.
 5. **Dating Violence:** Violence on the basis of sex committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the statements of the Parties and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.
 6. **Domestic Violence:** Violence on the basis of sex committed by a current or former spouse or intimate partner of the Complainant by a person with whom the Complainant shares a child in common or by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the state of Florida or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the state of Florida. To categorize an incident as Domestic Violence, the relationship between the Respondent and Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.
 7. **Stalking:** Engaging in a course of conduct directed at a specific individual, based on sex, that would cause a reasonable individual to fear for the individual's or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third Parties, by any action, method device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, an

individual, or interferes with an individual's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A reasonable individual is a person(s) under similar circumstances and with similar identities to the Complainant.

C. FORCE, COERCION, CONSENT & INCAPACITATION: As used in the offenses above, the following definitions and understandings apply:

1. **Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you."). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
2. **Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
3. **Consent** is knowing, voluntary and clear permission by word or action to engage in sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. Proof of consent or non-consent is not a burden placed on

either party involved in an incident. Instead, the burden remains on USF to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

4. **Incapacitation:** A person cannot consent if they are unable to understand what is happening, disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent. Consent is not valid if obtained by a Respondent who knew or should have known a Complainant was incapacitated.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs or medications.

VI. REPORTING

A. Who files a Report

1. **Who may report:** Any person may voluntarily file a Report and in specific circumstances the filing of a Report of sexual harassment (including sexual violence) is mandatory as noted below. Voluntary reports may be made by a Complainant, or any person, to the Title IX Coordinator 24/7 via the online report form found at www.usf.edu/title-ix, by email, mail, phone, fax or delivered in person to the Title IX Office using the information listed on page 1.
2. **Who must report:** Responsible Employees, unless specifically exempted as noted below, are required to promptly report within 24 hours allegations or instances of sexual harassment, including sexual violence, by or against any USF employee(s), student(s), or group(s) to the Title IX Coordinator. The University Police Department (UPD) is required to promptly report to the Title IX Coordinator a complaint of sexual harassment, including sexual violence, relationship violence, domestic violence or stalking at the time a person directly files a complaint with UPD, UPD becomes aware of the alleged incident, or at the conclusion of any UPD process. **Failure to make the Report may result in disciplinary action, up to and including termination of employment.** In addition to mandatory reporting, the Responsible Employee must

provide the victim (if applicable) or the disclosing person information about confidential advocacy, counseling, or other support services, as well as the right to file a Title IX complaint to the Title IX Coordinator and/or report a crime to law enforcement. **Responsible Employees** are any administrative personnel or any employee who (i) supervise one or more employees and may include but is not limited to Deans, Directors, Department Chairs, Coordinators, Unit Heads, Managers, Principal Investigators or (ii) supervise or oversee students, including but not limited to all faculty, coaches, athletic directors and athletic trainers, graduate assistants with instructional responsibilities when they are supervising or teaching students, academic advisors, residential assistants, faculty advisors, program advisors and student activity coordinators.

3. Exceptions to Mandatory Reporting:

- a) **Confidential Resources:** Employees whose regular duties include offering medical assistance, counseling, or victim assistance are exempt from Mandatory Reporting when acting in their primary role, including all employees in the following organizational units: The Center for Victim Advocacy, The Counseling Center, The Wellness Center, The Ombudsman, Student Health Services, and Human Resources Workers' Compensation Administrator or FMLA Benefits Representative.
- b) **USF Research Projects:** If an individual who is participating as a subject in an Institutional Review Board–approved human subject research protocol (a “USF Research Project”) discloses, as part of that research project, an incident of alleged sexual harassment and/or sexual misconduct, such disclosure will not be considered notice to the University for purposes of triggering its obligation under this Policy.

4. External Review: The USF Title IX Coordinator will be notified before any university department, office, unit or employee requests or engages an external review for the purpose of addressing reports of sexual harassment, sexual violence, relationship violence, domestic violence or stalking.

B. When to file a Report: Reports of sexual harassment may be filed at any time using the types of filings noted below. Protected Category discrimination and harassment is a separate mandate with different reporting requirements. For information regarding submission and deadlines for protected category discrimination and harassment reports, see Policy 0-007 [Diversity and Equal Opportunity: Discrimination and Harassment](#).

C. How to file a Report:

1. **Online:** Anyone can file a Title IX report using the online form. Responsible Employees MUST report by submitting the Title IX Report Form found at <https://www.usf.edu/title-ix> and do not have the option to submit this form

anonymously. For Responsible Employees this report must be submitted immediately and no later than 24 hours after receiving a disclosure.

2. **Email:** titleixreports@usf.edu
3. **In Person/Mail:** Title IX, 4202 E. Fowler Ave, ALN 172, Tampa, FL 33620
4. **Anonymous Reporting:** Individuals not considered Responsible Employees may report anonymously via Ethics Point, a third-party hosted hotline to enable the safe, secure, and anonymous reporting of activities which may involve misconduct, fraud, abuse, and other violations of USF policies. Submit reports at <https://www.usf.edu/compliance-ethics> or by calling (866)-974-8411.

VII. **REPORT REVIEW**

After receiving a Report, the Title IX Coordinator will conduct an initial assessment to determine jurisdiction. If the Title IX Coordinator deems the report outside the jurisdiction of Title IX, the Title IX Coordinator will refer the report to the appropriate office - Human Resources (HR), Academic Affairs (AA), or Student Conduct & Ethical Development (SCED). If deemed within the jurisdiction of Title IX the initial contact from the Title IX Coordinator to the Victim will include an overview of supportive measures, the Victim rights, all relevant policies and procedures, and will invite the Complainant to attend an information session with the Title IX Coordinator. The Title IX Coordinator may provide **Supportive Measures** at any time.

SUPPORTIVE MEASURES are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties (No Contact Order or NCO), changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. USF must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of USF to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

VIII. **TITLE IX PROCESS:**

The Title IX Process begins upon receipt of a report of sexual harassment that is determined, by the Title IX Coordinator, to invoke the jurisdiction of the Title IX Office.

A. INFORMATION SESSION: Anyone reporting sexual harassment that invokes the jurisdiction of Title IX is strongly encouraged to attend an information session with the Title IX Coordinator but is not required to do so before filing a Formal Complaint. Any Party attending an Information Session may be accompanied by an Advisor of their choice. The purpose of an Information Session is to provide resources, assess the need for supportive measures and/or risk to the community, advise the Party of their rights and options for resolution, and review all relevant policies and procedures. Allegations are only discussed to the extent needed to verify Title IX jurisdiction. Attending an Information Session does not obligate a Party in any way. At the conclusion of the Information Session the Victim may choose to close the report, take some time to consider resolution options, or choose to request a resolution by Alternative Resolution (when applicable) or Formal Investigation. Reports involving abuse of minors or vulnerable adults, or imminent risk to the USF community cannot be closed. Abuse of minors or vulnerable adults will be reported to Child & Family Services as required by law.

B. COMPLAINT:

- 1. Who files a Title IX Complaint:** If an individual believes they have been a victim of sexual harassment in violation of USF Policy, an individual may file a complaint for an internal Title IX review with the Title IX Coordinator. The complaint may be made independently of any report. The Title IX Coordinator may choose to move forward with a formal investigation without a formal complainant when the University has determined there is imminent risk to safety of others in the USF community.
- 2. When to file a Title IX Complaint:** Title IX complaints may be filed at any time. Individuals may file an internal USF complaint or report to the designated USF offices (Office Designation for Complaints). Individuals may elect to file additional complaints to law enforcement or external agencies at any time.
- 3. How to file a Title IX Complaint:** Anyone wishing to file a Title IX Complaint may do so in writing to the Title IX Coordinator. Complaints may be submitted via email to titleixreports@usf.edu or delivered in person or by mail to Title IX Office, 4202 E Fowler Ave, ALN 172, Tampa, FL 33620. The Complaint should contain a chronological account of all allegations, including the time, date, and location of each alleged incident and any witnesses present or that have relevant information. The Complaint should be signed by the Complainant (electronic signature permitted) and specify the type of requested resolution (alternative resolution or formal investigation). When a complaint is submitted requesting an investigation the Title IX Office will conduct a formal investigation per its procedures and in accordance with federal law.

C. RESOLUTION OPTIONS:

- 1. Supportive Measures Only:** A Complainant can request to close a report but still receive supportive measures. Supportive measures serve the Complainant without having an unreasonable burden on the Respondent and include but are not limited to

referral to services, academic/on-campus housing accommodations, and workplace accommodations.

2. **Alternate Resolution:** A voluntary agreement between Complainant(s) and Respondent(s) facilitated by the Title IX Coordinator to address reports of sexual harassment, that can be vacated by either Party at any time. Entering into an Alternative Resolution does not preclude either Party from withdrawing and requesting a Formal Investigation. **The following conditions must apply to enter into an Alternative Resolution:**
 - a) Must be completely voluntary and may be withdrawn by either Party at any time for any reason
 - b) Can include mediation in cases other than student alleging sexual harassment by an employee
 - c) The Title IX Coordinator must receive a written complaint outlining allegations in order to properly notice the Respondent of the request for an Alternative Resolution
 - d) **An Alternative Resolution in no way indicates a finding of responsibility or policy violation**

3. **Formal Investigation:** The Complainant (Victim) submits a written Formal Complaint to the Title IX Coordinator requesting resolution of allegations of sexual harassment by Formal Investigation. (See below for more information on filing a complaint.) The Title IX Coordinator will notice the Respondent of the allegations and request for a formal investigation, assign an investigator team, and oversee the investigative process.

4. **Dismissal of Complaint:** After review of a complaint alleging sexual harassment the Title IX Coordinator may dismiss the complaint based on certain circumstances. If a complaint is dismissed notice to each Party will be issued outlining the rationale for dismissal. Either Party may appeal the decision to dismiss. Appeals should be submitted in writing to the Title IX Coordinator within five days of notice of dismissal. Complaints will be dismissed by the Title IX Coordinator under the following circumstances:
 - a) The Title IX Coordinator must dismiss a formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:
 - i. The conduct alleged in the formal Complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
 - ii. The conduct did not occur in an educational program or activity controlled by the University and/or the University does not have control of the Respondent; and/or
 - iii. The conduct did not occur against a person in the United States; and/or
 - iv. At the time of filing a formal Complaint, a Complainant is not participating in or attempting to participate in the education program or activity of USF.

- b) The Title IX Coordinator may dismiss a formal Complaint or any allegations therein if, at any time during the investigation or hearing:
 - i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal Complaint or any allegations therein; or
 - ii. The Respondent is no longer enrolled in or employed by the recipient; or
 - iii. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal Complaint or allegations therein
 - iv. Upon any dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the Parties.

D. FORMAL INVESTIGATION:

1. **Investigation Review:** Upon receipt of a formal Complaint outlining allegations of sexual harassment and requesting a formal investigation, the Title IX Coordinator will evaluate the Complaint to determine if it is appropriate to move forward to Formal Investigation. If the Title IX Coordinator determines a complaint will move forward, the Title IX Coordinator will provide each Party a Notice of Investigation (NOI).
2. **Notice of Investigation:** The Title IX Coordinator will issue a Notice of Investigation (NOI) to the named Complainant(s) and Respondent(s) simultaneously which will include any allegations, relevant policies/procedures, definitions and the right to an Advisor. Notice will be issued prior to conducting any investigative interviews with Respondent. The Respondent may provide to the Title IX Coordinator a written response to the allegations. If new allegations surface throughout the course of the investigation, a notice will be issued outlining any additional allegations including specifics of the allegations. Upon receipt of a complaint, The Title IX Coordinator will invite the Respondent to attend a Title IX information session. The Respondent may have an Advisor of their choice present during the information session. Each Party is responsible for providing their own Advisor.
3. **Investigation Guidelines:**
 - a) Investigations will be conducted by the Title IX Office
 - b) Parties will be given notice in advance of scheduled meetings
 - c) Investigation will be conducted fairly and promptly, within a reasonable time frame (120 days), unless impacted by unforeseeable or unavoidable circumstances. Parties will be notified of delays and may contact the Title IX Coordinator for regular updates.
 - d) Investigation will be conducted by trained neutral fact-finding investigators
 - e) Investigators will collect all relevant evidence and information
 - f) Parties have the right to submit names of witnesses and evidence for review

- g) Parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint
- h) Investigators will interview all relevant witnesses who agree to participate
- i) **Advisors:** Parties have the right to have an Advisor of their choice present for all investigative meetings. The University will provide Advisors only for the purpose of cross examination during hearings should either Party arrive to the hearing without an Advisor. It is the responsibility of the Party to provide their own Advisor for all other proceedings.
- j) **Collateral Misconduct:** When the University receives a complaint that contains allegations of conduct both on and off campus, and the incidents are related or indicate a pattern of behavior, the complaint may be addressed by a single investigation, rather than subjecting the parties to multiple investigations.

4. Formal Investigative Report: At the completion of the investigation, the Investigators will prepare a draft of the Final Investigative Report (FIR) summarizing the investigation. FIRs will not include a final determination or sanctions. Investigators will provide this draft to both Parties, who will have 10 days to review the draft and provide written feedback to Investigators. Upon completion of the 10-day review period and receipt of any comments, the Investigators will prepare the final FIR, provide the final FIR to both Parties, and forward the final FIR to SCED for student cases, HR for employee cases, or AA for faculty cases. Upon receipt of the final FIR, the corresponding office will schedule a live hearing no sooner than 10 days from the date of delivery of the final FIR to all Parties.

IX. LIVE HEARING:

Once the Title IX Office completes an investigation the case is referred to the appropriate designated office for Hearing. Student Hearings are conducted by SCED, employee hearings are conducted by HR, and faculty hearings are conducted by AA. The live hearing for both student and employee investigations will include the following elements:

- A. Hearing Panel/Administrator:** The Hearing Panel/Administrator is the Decision-Maker for student and employee cases. For student investigations the Hearing Panel will consist of faculty, staff and students, or a single Administrator. For employee and faculty investigations the Hearing Panel will consist of faculty, staff and administrators, or a single Administrator.
- B. Advisors:** Complainant(s) and Respondent(s) must have an Advisor present to conduct cross examination questioning during a determination hearing. The Advisor can be any person of the Party's choosing. If the Party does not have an advisor at the hearing, the University will appoint one to serve as an Advisor for the purpose of cross examination only (may be referred to as University Appointed Adviser (UAA)). When applicable, and only for Employee cases,

Parties may have a Union or Collective Bargaining Agreement Representative present for the Hearing. This representative may also act as the Party's Hearing Advisor, should the Party choose, or they may attend in addition to the Advisor. The University is only required to provide Advisors the day of the Hearing for the purpose of cross examination. The University is not required to provide Advisors for the investigation stage of the process. Each Party is responsible for providing their own Advisor, if they choose, for the investigation stage of the process that occurs prior to the Hearing.

- C. Relevancy:** The Hearing Panel or Administrator will determine relevancy of questions prior to questions being asked. In most cases questions about a Complainant's prior sexual history will not be permitted.
- D. Recordings:** All hearings will be audio recorded and become part of the hearing file. Parties will have the opportunity if so desired to review the recording.
- E. Final Determination:** At the completion of a hearing the Decision Maker will review all evidence, statements, testimonies and any other relevant information and using the preponderance of the evidence standard make a final determination which will include a finding of whether the allegation(s) occurred, if the alleged conduct violates USF policy, appropriate disciplinary sanctions (if applicable), and appellate guidance.
- F. Remedies:** The Decision Maker can also recommend Remedies to the Title IX Coordinator if the Remedies would support the Complainant. The Decision Maker and the Title IX Coordinator will determine if those Remedies may be kept confidential from the Respondent. If the Remedies will restrict or impact the Respondent, the Respondent will be advised of the Remedies at the time of the Final Determination. The Title IX Coordinator will remain responsible for implementing the Remedies for the Complainant.
- G. Outcome Letter:** At the completion of the live hearing the Decision-Maker will issue a Letter of Outcome detailing the Final Determination. The Letter of Outcome will be issued within 5 days of the Final Determination to both Parties simultaneously. The letter will include the following:
 - 1. all relevant policies alleged to have been violated
 - 2. all procedural steps taken in the resolution process (notices issued, evidence collected, interviews)
 - 3. findings of facts including facts presented at hearings
 - 4. a determination and rationale for each allegation
 - 5. any disciplinary sanctions imposed on Respondent (if found responsible)
 - 6. a statement if remedies were provided to the Complainant
 - 7. notice of no retaliation policy
- H. Requests to Rescind Hearing:** Parties may request to rescind the Hearing and participate in an Alternative Resolution, when applicable. Such requests should be submitted to the office governing the Hearing, which may choose to remand the case back to the Title IX Coordinator for Alternative Resolution. Parties are required to sign an agreement to rescind the Hearing for an Alternative Resolution. There will be no Final Determination if the Parties choose to rescind a Hearing and an Alternative Resolution is not an indication of responsibility or a Finding. Once both Parties agree to rescind a hearing, the Parties may not return to a Hearing

Process. Student complaints of employee harassment are not eligible for Alternative Resolution. An Alternative Resolution is not an option once a Hearing has taken place. A Hearing Outcome is a final action process and cannot be rescinded. Once a determination is rendered there is no option for alternate resolution.

X. APPEAL:

Either Party may submit a request to appeal the Final Determination. Both parties will be notified in writing when a request to appeal is received. Both parties will be allowed to review and respond, in writing, to any information provided by a party for the purpose of an appeal request. The outcome of an appeal request must be provided to the Title IX Coordinator. If no appeal request is submitted at the end of the appeal deadline, the Final Determination made by the Hearing Panel/Administrator will be the decision of record. Additional grievance procedures may be available to employees per collective bargaining agreements.

Student Appeals: The respondent and/or complainant may appeal in writing the outcome of a Formal Hearing within five (5) days of the date of the Formal Hearing outcome letter. The appeal must be in writing to the Dean of Students, or designee, and the burden of proof rests with the individual or organization appealing to clearly demonstrate the basis for appeal. An appeal decision will be rendered within ten (10) business days. The [Student Code of Conduct](#) contains a full explanation of what grounds a student must meet for appeal and provides more complete information about the appeal process.

Employee Appeals: Employees have thirty (30) calendar days from issuance of the Hearing Outcome Letter to request an appeal. Employees wishing to appeal should notify the Title IX Coordinator, who will provide the employee an Employee Appeal Request Form. Upon submission of this form, the document is provided to the President's Office, specifically the Chief of Staff, who will review the request for appeal for standing. Employees may only request an appeal on one or more of the following grounds:

1. A procedural error or omission occurred that significantly impacted the outcome of the process (e.g. material deviation from established procedures).
2. To consider new evidence, unavailable during the original investigation or adjudication, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

NOTE: When a party fails to provide a statement/evidence during an investigation, and subsequent to the interview/hearing decides to provide the statement/evidence, it will not be considered "new evidence" for the purposes of this ground. Additionally, subsequent findings of a criminal or civil court alone do not constitute sufficient grounds for appeal.

3. A conflict of interest or bias by a Title IX Investigator, Coordinator, or Hearing member that substantially impacted the outcome of the investigation or adjudication.

NOTE: Parties have the ability to address an Investigator's, Coordinator's, or Hearing member's potential conflict of interest or bias for or against a given party at the time of notification of the individual's involvement in the case. Therefore, in the appeal, the party must also explain why the party did not exercise this opportunity at the time the Investigator, Coordinator, or Hearing member's name was disclosed.

If the request for an appeal is not submitted within the 30-day limit, the request will be denied. If the Chief of Staff determines none of the grounds for appeal have been met, the request for an appeal will be denied. If it is determined the grounds for appeal has been met, the Chief of Staff will assign the appeal to a designated Appeal Officer. Appeal Officers are employees of the University and are fully trained to conduct appeals. The presumptive stance of the Appeal Officer is that the Hearing Panel/Administrator's finding(s) were correct in their finding. The burden is on the party to show that an error occurred, and the party appealing must submit evidence to substantiate their request for appeal. Appeals are not intended to be re-interviews of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original investigation and adjudication of the case.

Determination of Appeal: An Appeal Officer may make one of the following determinations after processing an appeal:

1. Affirm the decision of the original Hearing Panel/Administrator or investigation.
2. In cases where it is determined that the new evidence, unavailable during the original investigation, is now available and could substantially impact the original finding or sanctions of the Hearing Panel/Administrator, the Appeal Officer will remand the case back to the original Hearing Panel/Administrator with instruction to consider the new evidence. The Hearing Panel/Administrator convenes solely to consider the new evidence.
3. In cases where it is determined that the procedural error did significantly impact the finding or sanction, the Appeal Officer will require one of the following two remedies:
 - a) Remand the case back to the original Coordinators, Investigators and/or Hearing Panel/Administrator with instruction to repair the procedural error.
 - b) Remand the case back to be reinvestigated by new Investigators, new Coordinator, and/or new Hearing Panel/Administrator. This is typically done in cases where the procedural error is so profound as to render the original investigation too biased or influenced.

XI. SANCTIONS:

SCED, HR or AA may impose sanctions on the Respondent when the Respondent is found responsible. Employee sanctions may include but are not limited to additional mandatory training or education, alternative duties/responsibilities/supervision/office location, reprimand, involuntary leave, and termination. For a full list of student sanctions see the [Student Code of Conduct](#).

XII. REMEDIES:

If a Respondent is found responsible for sexual harassment, the Title IX Coordinator will effectively implement remedies for the Complainant, designed to restore or preserve the Complainant's equal educational access. Such remedies are not meant to be punitive for the Respondent but may minimally impact the Respondent. Examples include but are not limited to restricting Respondent's access to certain campus buildings or facilities when the Complainant is required to use those facilities, but the Respondent is not, and creating equitable but separate schedules that would allow both Parties to access the same facility without contact between the Parties.

XIII. GENERAL PRINCIPLES:

- A. PRIVACY:** Privacy of Parties and Witnesses will be maintained to the fullest extent possible. Information will be shared with only those who have a legitimate need to know and are part of the Title IX process. The Title IX Coordinator will be responsible for evaluating a Complainant's request for confidentiality in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all members of the USF community. Factors that may be considered in analyzing such request for confidentiality may include, but are not be limited to, the seriousness of the alleged harassment, whether there have been other Complaints or Reports of harassment involving the same alleged harasser, whether the Reporting individual is a [minor](#), and whether the incident represents an escalation of behavior or identifies violations of state or federal law or University policy. The privacy of cases involving individuals found responsible for certain violent crimes under state and local laws may be reduced by applicable state and local laws.
- B. TRAINING:** To ensure the grievance process is fair and equitable all persons associated with sexual harassment proceedings will receive training. Training of personnel will be posted on the University's website. Training will be provided to the following: Responsible Employees, hearing officers, investigators, appellate officers, Title IX Coordinator(s), Title IX Deputy Coordinators and/or any other person participating in resolution of complaints.
- C. ADVISORS:** Any individual chosen by either Party to accompany the Party to meetings related to the Title IX Process or HR/AA/SCED Hearing Process and to advise the Party on the process.
- 1. Investigation Process:** Either Party may have an Advisor of their choice present during the investigation process. It is the responsibility of each Party to provide their own advisor for the investigation process.
 - 2. Hearing Process:** For cases under the jurisdiction of Policy 0-004, an Advisor will conduct cross-examination for the Party at the Formal Hearing. The University will appoint an Advisor to a Party for the purpose of cross-examination if one is not chosen by the Party.

D. AMNESTY: The Title IX Office provides amnesty to those reporting sexual harassment, sexual violence, relationship violence or stalking that occurred while the reporting party was under the influence of alcohol or substances.

XIV. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION:

All University members are expected to provide truthful information in good faith. Submitting a false report or misleading information in bad faith, or in attempt for personal gain or intentional harm to another, is strictly prohibited. A determination of false reporting will not be based on the outcome of a case.

XV. FALSE ALLEGATIONS AND EVIDENCE:

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action. Witnesses and Parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline.

XVI. STANDARD OF EVIDENCE:

The University applies the Preponderance of Evidence Standard (the evidence shows its more likely than not a policy violation occurred) when adjudicating student and employee cases.

XVII. RETALIATION:

USF will not tolerate retaliation, retribution or reprisals against an employee or student who, in good faith, files a grievance, complaint or report of violations of law, rule, regulation, policy or other misconduct. Employees or students who engage in retaliation in violation of this policy will be subject to disciplinary action up to dismissal/expulsion. For more information see USF [Policy 0-020 Retaliation, Retribution or Reprisals Prohibited](#) and USF [6.0021 Student Code of Conduct](#).

XVIII. EMERGENCY REMOVAL:

The University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. Emergency Removal is not considered a finding or sanction.

- A.** In all cases in which an emergency removal is imposed, the Student, or Employee, or two representatives from a Student Organization will be given notice of the action.
- B.** A Respondent has the right to request a meeting with the Title IX Coordinator to appeal the decision of an emergency removal or submit additional information in writing for consideration.

- C. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.
- D. The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. These actions can include, but not limited to:
 1. removing a student from a residence hall
 2. temporarily re-assigning an employee
 3. restricting a student's or employee's access to or use of facilities or equipment
 4. allowing a student to withdraw or take grades of incomplete without financial penalty
 5. authorizing an administrative leave
 6. suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics

XIX. RECORDS AND STATISTICAL REPORTING

- A. The University will keep all records in accordance with federal, state and local laws.
- B. SCED, HR, and AA will provide the Title IX Coordinator with a copy of the outcome letter to enable accurate statistical reporting; identify and address any patterns or systemic problems; and develop ongoing prevention programs.
- C. The Title IX Coordinator shall ensure all final remedies and/or sanctions are implemented.
- D. **Clery Act:** All offices will provide information regarding the type of crime and location to UPD, as required by federal law (Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act - the "Clery Act"). UPD is required to annually report to the public statistics concerning crimes, which are reported to have occurred on campus, or in Clery-designated geographic locations associated with the University or its activities. There are three general categories of crime statistics that must be Reported:
 1. Criminal Offenses, which includes murder, or non-negligent manslaughter, negligent manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson.
 2. Hate Crimes, which includes any of the above-listed crimes, as well as larceny-theft, simple assault, intimidation, and destruction or damage or vandalism of property, when such crime is motivated, in whole or in part, by bias based on race, gender, religion, disability, ethnicity, national origin, sexual orientation, and gender identity.
 3. Arrests and Referrals for Discipline for violation of weapons, drug, and liquor laws. In addition, the University will comply with the new reporting obligations under the [Violence Against Women Act of 2013](#) (VAWA) which require the university to compile additional statistics regarding domestic violence, dating violence, and stalking in annual security reports. The information may be used to make timely warnings to the community of the occurrence of the above crimes. Further information about University procedures for reporting crimes and incidents under the Clery Act may be found on the [UPD website](#).
- E. The University's Clery Coordinator, located in the USF Police Department, may accept anonymous reports of sexual assault, stalking and groping, which may be included in the

University's crime statistics if appropriate under the [Clery Act](#) . UPD will share, by using the online Title IX report form, reports of sexual assault, stalking, groping or intimate partner violence with the Title IX Coordinator. For up to date information and the contact information of the USF Clery Coordinator visit <https://www.usf.edu/administrative-services/university-police/your-safety/campus-security-authority.aspx>

It is USF's Policy to provide to the public, upon request, the number of sexual battery cases that have been Reported to UPD within a specified time period. Crime statistics are provided to Tallahassee in accordance with State law. Information concerning the incidence of crime is provided to the University community in a regular and timely manner through local and on-campus media. This information is also forwarded to the Federal Bureau of Investigation and included in the National Crime Report published by the United States Department of Justice.

F. Campus Security Authorities (CSAs): "Campus Security Authority" is a Clery-specific term that encompasses four groups of individuals and organizations associated with our institution who must report [Clery-VAWA crimes](#) and incidents to our institution's [Clery Coordinator](#). CSAs provide information on the type of crime and location without revealing identifying information about the victim. CSAs are required to complete a training regarding their reporting responsibilities. These groups of individuals and organizations include the following:

1. A campus police department or a campus security department of an institution, e.g., University Police.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, e.g., an individual who is responsible for monitoring the entrance into institutional property. This includes individuals who provide security at a campus-parking kiosk, monitor access into a campus facility, or act as event security or escort students around campus after dark.
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An "official" in this context is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Examples of USF Officials who have significant responsibility for student and campus activities and, therefore, are considered CSAs:

- Dean of Students
- Provost and Staff
- Representatives of Housing and Resident Life
- Student Judicial Programs or Other Discipline Officials

- Directors or Managers of Student Service Centers
- Officials who oversee extracurricular activities
- Director of Athletics, Coaches, Trainers, Staff
- Student Health Directors
- Faculty Advisors and Advisers to Student Groups

Examples of who is NOT a CSA:

- A faculty member who does not have any responsibility for student and campus activities beyond the classroom
- Clerical or cafeteria staff
- Pastoral or Professional Counselors when they are working within the scope of their religious assignment or license, respectively.

Reporting responsibilities of CSAs and Responsible Employees may overlap. For example, an instance of dating violence on campus disclosed to a member of the Provost’s office requires both a Clery report to the Clery Coordinator, and a Responsible Employee report to the Title IX Coordinator, since employees of the Provost’s Office are both designated CSAs and Responsible Employees, and dating violence is both a Clery crime and form of sexual harassment prohibited by Title IX. CSA employees are not required to provide information that identifies the victim when submitting a Clery report. Responsible Employees are required to provide information that identifies the victim (if available) when submitting a Title IX report. More information about CSA requirements and training can be found on the [USF Police website](#).

XX. GENERAL PROCEDURES

A. COMPLAINTS TO LAW ENFORCEMENT

- 1. USF Police Department:** The University Police (UPD) officers are law enforcement officers of the State of Florida with authority to enforce criminal laws when violations thereof occur on any property or facilities that are under the guidance, supervision, regulation, or control of USF or a Direct Support Organization of USF. The UPD provide immediate assistance to the victim and initiate investigative processes to apprehend the perpetrator of the crime. The UPD promptly inform the appropriate State Attorney's Office of sexual battery complaints and may consult with the State Attorney during the investigation of the complaint. Individuals have a right to simultaneously pursue both a criminal complaint and a Title IX complaint with the University. To file a complaint to the University Police, an individual may contact them directly to request a criminal investigation. University Police Officers are also Responsible Employees and must report all disclosures of potential violations of Policy 0-004 to the Title IX Office immediately.
- 2. External Law Enforcement:** Filing an internal complaint of sexual harassment (including sexual violence) with the Title IX Coordinator or UPD does not preclude

filing complaints at any time with external agencies and does not affect any requirements for filing or deadlines that may be imposed by any agency external to the University. Law Enforcement complaint and criminal prosecution reporting are available, and sexual assault and other forms of sexual misconduct are crimes and may be reported directly to law enforcement for investigation at any time before, during or after internal University reporting. In addition to or independent of the internal Title IX Process, an individual may file a criminal complaint to UPD and/or to an external law enforcement office with jurisdiction over the crime by contacting that agency directly.

B. COMPLAINTS TO EXTERNAL AGENCIES:

1. U.S. Department of Education, Office for Civil Rights, Atlanta, GA (404) 562-6358, TDY (404) 562-6454.
2. U.S. Equal Employment Opportunity Commission, Tampa, FL (813) 228-2310, TTY (813) 228-2003.
3. U.S. Department of Labor, Office of Federal Contract Compliance Programs, Orlando, FL (407) 648-6181.
4. Florida Commission on Human Relations, Tallahassee, FL (800) 342-8170, TDD ASCII 1-800-955-1339; TDD BAUDOT 1-800-955-8771.

C. NONDISCRIMINATION DISCLOSURES:

1. **Diversity & Equal Opportunity Discrimination & Harassment (0-007):** USF prohibits discrimination and harassment on the basis of race, color, marital status, sex, religion, national origin, disability, age, or genetic information, as provided by law. USF protects faculty, staff and students from discrimination and harassment based on sexual orientation, as well as gender identity and expression. USF is also committed to the employment and advancement of qualified veterans with disabilities and veterans protected under the Vietnam Era Veterans Readjustment Assistance Act, as amended (VEVRAA). For more information visit <https://www.usf.edu/diversity/equal-opportunity/index.aspx>
2. **Disability and Accommodations (0-108):** USF is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities. For more information, including the name and contact information of the University ADA Coordinator visit <https://www.usf.edu/diversity/disability/index.aspx>

Individuals seeking assistance with the Title IX Process should contact the Title IX Coordinator for reasonable accommodations.

D. REVISIONS TO THIS POLICY:

1. This Policy supersedes any previous policy addressing harassment, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated by the Title IX Coordinator. USF reserves the right to make changes to this document as necessary.
2. The Title IX Coordinator or designee may make reasonable adjustments to address academic calendar changes or other unforeseen circumstances to ensure fairness to all parties provided reasonable notice is given to both parties with the justification/necessity of the adjustment.
3. The Title IX Coordinator or other University Responsible Office may propose amendments through the [University Regulation and Development Procedure](#).
4. If state or federal law, regulations or court decisions alter the requirements regarding sexual harassment in a way that impacts this document, this document may be immediately amended to address those changes.

E. RELATED POLICIES AND REGULATIONS:

1. [Policy # 0-020 Retaliation, Retribution, Or Reprisals Prohibited](#)
2. [Policy #1-022 Consensual Relationships](#)
3. [Policy #0-007 Diversity and Equal Opportunity: Discrimination and Harassment](#)
4. [Regulation USF6.0021, Student Code of Conduct](#)
5. [Policy # 6-032 Child Abuse Reporting](#)

XXI. RESOURCES:

A. TAMPA CAMPUS

1. Students

- a) Student Outreach & Support: 4202 E Fowler Ave, SCV 2058, Tampa, FL 33620 (813) 974-6130, www.usf.edu/student-affairs/student-outreach-support/ email socat@usf.edu
- b) Student Accessibility Services: 4202 E Fowler Ave, SCV 1133, Tampa, FL 33620 (813) 974-4309, <https://www.usf.edu/student-affairs/student-accessibility/> email sas-info@usf.edu
- c) Student Conduct & Ethical Development: 4202 E Fowler Ave, ALN 109, Tampa, FL 33620 (813) 974-9443 www.usf.edu/sced email sa-studentrightsmail@usf.edu
- d) University Police: 4202 E Fowler Ave, UPD 002, Tampa, FL 33620 (813) 974-2628
<https://www.usf.edu/administrative-services/university-police/>
email usfpdpio@usf.edu

2. Students (Confidential)

- a) Center for Victim Advocacy: 4202 E Fowler Ave, SVC 2057, Tampa, FL 33620 (813) 974-5756, VICTIM HELPLINE: (813) 974-5757 www.usf.edu/student-affairs/victim-advocacy/

email: va@admin.usf.edu

- b) USF Counseling Center: 4202 E Fowler Ave, SVC 2124, Tampa, FL 33620 (813) 974-2831 <https://www.usf.edu/student-affairs/counseling-center/>
- c) Student Ombudsman: 4202 E Fowler Ave, ALN 191, Tampa, FL 33620 (813) 974-0835
- d) https://www.usf.edu/student-affairs/ombuds/email_ombuds@usf.edu
- e) Student Health Services: 4202 E Fowler Ave, SHS 100, Tampa, FL 33620 (813) 974-2331
<https://www.usf.edu/student-affairs/student-health-services/>
email info@shs.usf.edu TDD (813) 974-1758

3. Employees

- a) University Police: 4202 E Fowler Ave, UPD 002, Tampa, FL 33620 (813) 974-2628 <https://www.usf.edu/administrative-services/university-police/> email usfpdpio@usf.edu
- b) Human Resources: 4202 E Fowler Ave, SVC 2172, Tampa, FL 33620 (813) 974-2970 <https://www.usf.edu/hr/>

B. EMPLOYEES (CONFIDENTIAL)

- 1. Center for Victim Advocacy: 4202 E Fowler Ave, SVC 2057, Tampa, FL 33620 (813) 974-5756, VICTIM HELPLINE: (813) 974-5757 www.usf.edu/student-affairs/victim-advocacy/ email: va@admin.usf.edu
- 2. Employee Ombudsman: 4202 E Fowler Ave, CGS 301, Tampa, FL 33620 (813) 974-7777 <https://www.usf.edu/ombuds/index.aspx> email omb@usf.edu
- 3. Employee Assistance Program: <https://magellanascend.com/> or (800) 327-8705

C. TAMPA COMMUNITY:

- 1. The Crisis Center of Tampa Bay: 1 Crisis Center Plaza, Tampa, FL 33613, dial 211 or (813) 964-1964 <https://www.crisiscenter.com/>
- 2. The Spring of Tampa Bay: 211 N. Willow Ave, Tampa, FL 33606 24 HOUR CRISIS HOTLINE (813) 247-7233 <https://www.thespring.org/>
- 3. Metro Inclusive Health: 1315 E. 7th Ave, Ste 201, Tampa, FL 33605 (813) 232-3075 <https://www.metrotampabay.org/>
- 4. Hillsborough County Sheriff's Office: 2008 E. 8th Ave, Tampa, FL 33605 (813) 247-8000 <https://teamhcsso.com/>
- 5. Tampa Police Department: 411 N. Franklin St. Tampa, FL 33602 (813) 276-3200 <https://www.tampagov.net/police>
- 6. Temple Terrace Police Department: 11250 N. 56th St, Temple Terrace, FL 33617 (813) 506-6500 <http://www.templeterrace.com/171/Police-Department>

D. ST. PETERSBURG CAMPUS:

1. Students

- a) Student Outreach & Support: 140 7th Ave South, PNM 101, St. Petersburg, FL 33701 (727) 873-4278, <https://www.stpetersburg.usf.edu/student-life/student-outreach-program/index.aspx>

- b) Student Accessibility Services: 140 7th Avenue South SLC 1203, St. Petersburg, FL 33701 (727)873-4990, <https://www.usf.edu/student-affairs/student-accessibility/> email usfsp-sas@usf.edu
- c) Student Conduct & Ethical Development: 140 7th Ave South, PNM 101B, St. Petersburg, FL 33701 (727)873-4278 www.usf.edu/sced email usfsp-conduct@usf.edu
- d) University Police: 140 7th Ave South, FPF 105, St. Petersburg, FL 33701 (727) 873-4444 <https://www.stpetersburg.usf.edu/police/>

2. Students (Confidential)

- a) Victim Advocate: 140 7th Ave South, SLC 2200, St. Petersburg, FL 33701 <https://www.stpetersburg.usf.edu/student-life/wellness/victim-advocacy-services/index.aspx> (727) 873-4422
- b) Counseling & Wellness Center: 140 7th Ave South, SLC 2200, St. Petersburg, FL 33701 (727) 873-4422 <https://www.stpetersburg.usf.edu/student-life/wellness/>
- c) Student Ombudsman: 140 7th Ave South, PNM 105B, St. Petersburg, FL 33701 (727) 873-4184
<https://www.stpetersburg.usf.edu/resources/ombuds.aspx>
email studentombuds@usfsp.edu

3. Employees

- a) University Police: 140 7th Ave South, FPF 105, St. Petersburg, FL 33701 (727) 873-4444 <https://www.stpetersburg.usf.edu/police/>
- b) Human Resources: 140 7th Ave South, BAY 206, St. Petersburg, FL 33701 (727) 873-4105 <https://www.usf.edu/hr/>

4. Employees (Confidential)

- a) Employee Ombudsman: 140 7th Ave South, DAV 266, St. Petersburg, FL 33701 (727) 873-4798
<https://www.stpetersburg.usf.edu/resources/ombuds.aspx>
email jareid2@usf.edu
- b) Employee Assistance Program: <https://magellanascend.com/> or (800) 327-8705

E. ST. PETERSBURG COMMUNITY:

- 1. Suncoast Center: 2960 Roosevelt Blvd, Clearwater, FL 33760 (727) 388-1220 <https://www.suncoastcenter.org/>
- 2. CASA: 1011 First Ave North, St. Petersburg, FL 33705 24/7 Domestic Violence Hotline (727) 895-4912 TTY (727) 828-1269 <https://www.casa-stpete.org/>
- 3. Metro Inclusive Health: 3251 3RD Ave North, St. Petersburg, FL 33713 (727) 321-3854 <https://www.metrotampabay.org/>
- 4. Pinellas County Sheriff's Office: 10750 Ulmerton Rd, Largo, FL 33778 (727) 582-6200 <https://teamhcsso.com/>

5. St. Petersburg Police Department: 1301 1st Ave N, St. Petersburg, FL 33705 (727) 893-7780 <https://police.stpete.org/>

F. SARASOTA/MANATEE CAMPUS:

1. Students

- a) Student Outreach & Support: 8350 N. Tamiami Trail, Sarasota FL 34243
<https://www.sarasotamanatee.usf.edu/campus-life/health-and-safety/socat.aspx> email socat@sar.usf.edu
- b) Student Accessibility Services: 8350 N. Tamiami Trail C107, Sarasota, FL 34243
(941) 359-4714 email sas-sar@usf.edu web <https://www.usf.edu/student-affairs/student-accessibility/>
- c) Student Conduct & Ethical Development: 8350 N. Tamiami Trail A114, Sarasota, FL 34243 (941) 359-4268
<https://www.sarasotamanatee.usf.edu/campus-life/student-engagement/student-rights-and-responsibilities.aspx>
- d) Campus Police Department: 501 College Drive, Sarasota, FL 34243
<https://www.sarasotamanatee.usf.edu/campus-life/health-and-safety/campus-safety/> (941) 487-4210

2. Students (Confidential)

- a) Victim Advocacy: (813) 974-5756 24/7 Hotline: 813-974-5757
<https://www.usf.edu/student-affairs/victim-advocacy/>
- b) Counseling & Wellness Center: 5805 Bay Shore Rd, Sarasota, FL 34243
<https://www.stpetersburg.usf.edu/student-life/wellness/> (941) 487-4254
- c) Student Ombudsman: (941) 359-4469 email janerose@usf.edu or visit
<https://www.sarasotamanatee.usf.edu/students/office-of-student-ombuds.aspx>

3. Employees

- a) Campus Police Department: 501 College Drive, Sarasota, FL 34243
<https://www.sarasotamanatee.usf.edu/campus-life/health-and-safety/campus-safety/> (941) 487-4210
- b) Human Resources: 8350 N. Tamiami Trail, Sarasota, FL 34243 (941) 359-4775
<https://www.sarasotamanatee.usf.edu/faculty-and-staff/human-resources/index.aspx>

4. Employees (Confidential)

- a) Employee Ombudsman: 4202 E Fowler Ave, CGS 301, Tampa, FL 33620
(813)974-7777, <https://www.usf.edu/ombuds/index.aspx>
email omb@usf.edu
- b) Employee Assistance Program: <https://magellanascend.com/> or (800) 327-8705

G. SARASOTA/MANATEE COMMUNITY:

- a) Safe Place & Rape Crisis Center: 2139 Main St, Sarasota, FL 34237 (941) 365-1976 <https://www.sparcc.net/>
- b) Sarasota County Sheriff's Office: 2071 Ringling Blvd, Sarasota, FL 34237 (941) 861-5800 <https://www.sarasotasheriff.org/>
- c) Sarasota Police Department: 2099 Adams Ln, Sarasota, FL 34237 (941) 263-6773 <https://www.sarasotapd.org/>
- d) Manatee County Sheriff's Office: 600 Highway 301 Boulevard West, Bradenton, FL 34205 (941) 747-3011 <https://www.manateesheriff.com/>
- e) Bradenton Police Department: 100 10th Street West, Bradenton, FL 34205 (941) 932-9300 <https://bradentonpd.com/>

H. FLORIDA STATUTES:

1. **Sexual Battery (794.011):** Oral, anal or vaginal penetration by, or union with the sexual organ of another, or anal/vaginal penetration of another by any other object. The sex act is performed without the victim's consent. An individual who is mentally incapacitated, asleep, physically helpless or unconscious due to alcohol or other drug consumption is considered unable to give consent. The same definition applies regardless of whether the assailant is a stranger or non-stranger. The type of force employed may involve physical violence, coercion or threat of harm to the victim. The victim is not required to physically fight back. http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0794/Sections/0794.011.html
2. **Domestic Violence (741.28):** any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit. http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0741/Sections/0741.28.html
3. **Dating Violence (784.046):** violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors: A dating relationship must have existed within the past 6 months; the nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and the

frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0784/Sections/0784.046.html

4. **Stalking (784.048):** A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a child under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who, after having been sentenced for a violation of s. 794.011, s. 800.04, or s. 847.0135(5) and prohibited from contacting the victim of the offense under s. 921.244, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks the victim commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0784/Sections/0784.048.html

5. **Consent (794.011):** intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender. "Mentally defective" means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct. "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent. "Physically helpless" means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

Date Approved: Dec. 22, 2011

Substantively Amended: (none)

Technically Amended: Sept. 26, 2022, Sept. 7, 2022, Nov. 16, 2021, Oct. 6, 2021, Apr. 26, 2021, Aug. 14, 2020, Apr. 30, 2020, Feb. 4, 2020, Aug. 22, 2019, Jan. 3, 2018, Oct. 19, 2015, Sept. 7, 2012

Biennial Review: Jan. 30, 2023

Other: Jul. 1, 2020 (Consolidation)