

Regulations and Policies

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Organization/General

Sexual Misconduct and Title IX Sexual Harassment

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I. OBJECTIVE & PURPOSE

The University of North Florida ("University" or "UNF") is committed to providing a work and learning environment free from unlawful harassment, discrimination, and retaliation. In addition to prohibiting discrimination, harassment, and retaliation as explained in the University's Non-Discrimination, Equal Opportunity, and Inclusion Regulation (1.0040R), UNF also specifically prohibits sexual misconduct and sexual harassment in compliance with Title IX of the Education Amendments of 1972 ("Title IX").

This Regulation provides guidance regarding conduct that constitutes sexual misconduct and sexual harassment. It also explains reporting responsibilities regarding such conduct, the University's processes for investigating and resolving alleged violations, and rights and services available to those affected by such conduct and related investigations.

For purposes of this Regulation, "Sexual Misconduct" is an expansive term encompassing sexual harassment and sexual violence (including sexual assault, dating violence, domestic violence and stalking).

Sexual Misconduct may constitute crimes (e.g., sexual battery, rape and related sex crimes), or may be noncriminal conduct (e.g., sexual harassment). Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. This Regulation is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.

It is the objective of the University that this Regulation be broadly applied to ensure the protection of all those who interact with the University. Therefore, "University Community" is defined to refer to any person who is a student; faculty and/or staff member; University official; any other person employed or contracted with the University; and any other individual interacting with the University.

Title IX requires that the University have a statement of policy and procedure for handling complaints of Sexual Misconduct. This Regulation constitutes that statement. UNF has jurisdiction over complaints of Sexual Misconduct.

Title IX also prohibits other forms of sex- and gender-based discrimination. For example, Title IX prohibits, and the University will not tolerate, taking an adverse action against a member of the University community because of their sex or gender. Such discrimination is addressed in a separate University regulation, the Non-Discrimination, Equal Opportunity and Inclusion Regulation, 1.0040R. The University's process for prompt and equitable resolution of complaints alleging sex- and gender-based discrimination may be found in that Regulation.

II. STATEMENT OF REGULATION, AFFIRMATION AND DISSEMINATION

Sexual Misconduct is contrary to UNF's standards and may violate the law. This Regulation applies to all members of the University Community. It applies to actions regardless of where they occur, including those that take place in the University's facilities, at a class, training program or event sponsored by the University at another location, any building owned or controlled by a student organization that is officially recognized by the University (such as a fraternity or sorority house), or elsewhere off campus. Any member of the University Community who violates this Regulation will be subject to disciplinary action and potentially criminal prosecution. To the extent a customer, vendor or other person with whom UNF is affiliated engages in Sexual Misconduct, UNF will take appropriate corrective action.

The University strives to provide programs, activities, services and educational opportunities to all who interact with the University Community regarding Sexual Misconduct. Specific Sexual Misconduct and Title IX training, education, and awareness programming is provided to new faculty members and employees during orientation, during admissions for students, and annually thereafter for all. This training includes information regarding conduct and behaviors that constitute Sexual Misconduct, how to report allegations of Sexual Misconduct, and what services are available at the University and in the community to assist individuals who believe they have been subjected to Sexual Misconduct.

In addition, the University ensures that its Title IX Coordinator, Deputy Title IX Coordinators, investigators, Decision-Makers, and those facilitating informal resolution are properly trained. This includes training on what constitutes Sexual Misconduct (including the definition of Title IX Sexual Harassment as defined by the U.S. Department of Education), the scope of the University's education programs and activities, how this Regulation operates, how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially including by avoiding pre-judgment of the facts at issue, conflicts of interest and bias. Decision-Makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators also receive training on issues of relevance so that they may create an investigative report that fairly summarizes relevant evidence.

The University has designated the Director of the Office of the Equal Opportunity and Inclusion ("EOI") as its Title IX Coordinator. The Title IX Coordinator is authorized to coordinate the University's efforts to comply with Title IX and this Regulation. Additionally, the Title IX Coordinator has delegated certain duties to Deputy Title IX Coordinators, which have been designated for each division within the University. A listing of these Deputy Title IX Coordinators can be accessed on UNF's website at:

<https://www.unf.edu/title-IX/who-to-call.html>.

This Regulation shall be disseminated to the University Community through the UNF website, new employee orientations, new student orientations, and other appropriate channels of communication. UNF will respond promptly to reported violations and will take prompt, effective action to prevent, to correct, and, if necessary, to discipline individuals and organizations who violate this Regulation.

In addition, the University encourages safety among all the members of the University Community. For suggestions on how to reduce risk of sexual violence, please visit the University's website at

<https://www.unf.edu/title-IX/resources.html>.

III. DEFINITIONS

A. Definitions of Sexual Harassment

The federal Title IX regulations define sexual harassment in a limited way that does not cover all forms of sexual harassment that the University seeks to prohibit. This requires the University to maintain two separate definitions of sexual harassment: the broader definition of "Sexual Harassment" and more narrow definition of "Title IX Sexual Harassment."

"Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, written, or electronic communications or physical conduct of a sexual nature that is objectively offensive and sufficiently severe, persistent, or pervasive so as to deny or limit an individual's ability to participate in or benefit from the University's educational programs or activities, or substantially interfere

with or alter the conditions of an employee's employment. Sexual harassment can also occur as quid pro quo harassment, such as when

- Submission to such conduct or request is made either explicitly or implicitly a term or condition of a status in a course, program, or activity, or of academic achievement; or
- Submission to such conduct or request is made either explicitly or implicitly a term or condition of an individual's employment, salary increase, position advancement, or other employment-related benefits; or
- Submission to or rejection of such conduct or request by an individual is used as the basis for an academic decision or employment decision affecting such individuals.

Sexual harassment can occur to any member of the University Community, on or off campus. It includes conduct that is prohibited under Title VII of the Civil Rights Act of 1964 and similar laws.

"Title IX Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, and pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30), and as defined in this Regulation.

In some situations, the same conduct may be both Sexual Harassment and Title IX Sexual Harassment.

B. Examples of Sexual Harassment

The following are examples of unwelcome conduct that, when sex-based, may rise to the level of Sexual Harassment and/or Title IX Sexual Harassment.

- Inappropriate touching or brushing against the body of another including, but not limited to patting, fondling, massaging, caressing, pinching, attempted or actual kissing.
- Requesting sex or sexual acts in exchange for an occupational or educational benefit.
- Repetitive propositions, invitations or pressure for sexual activity by a party when the other party finds the propositions and invitations to be unwelcome.
- Suggestive or inappropriate sex-based communications, notes, letters, e-mail, text messages, contact through social media (i.e. Facebook, Instagram, Twitter, etc.), or other written materials.
- Displaying, transmitting, or sending sexually based suggestive or inappropriate photographs, videos, computer images, slides, calendars, cartoons, or drawings through any medium.

- Sexual innuendo, comments, or remarks about a person's clothing, body, or activities which places an individual in fear of imminent physical or psychological harm or injury.
- Actual or implied sexual threats or intimidation which places an individual in fear of imminent physical or psychological harm or injury.
- Intentionally mis-gendering an individual in a manner that is severe or pervasive.

C. Other Definitions

In addition to the definition of "Sexual Misconduct," "University Community," "Sexual Harassment," and "Title IX Sexual Harassment" above, this Regulation also utilizes the following definitions:

1. "Complainant" is an individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct, including Title IX Sexual Harassment.
2. "Campus Security Authority" or CSA, means an individual occupying a position designated by the University for the purpose of complying with the Clery Act. When a CSA is also a Responsible Employee, they must still fulfill their duties as described in this Regulation for a Responsible Employee and promptly report allegations of Sexual Misconduct by or against any student, employee, contractor or visitor to the University's Title IX Coordinator. For more information about the duties of a CSA and a complete listing of positions designated as a CSA, please see the Campus Safety and Security Reporting policy, 1.0120P, which is available at the following link: <http://www.unf.edu/regulations-policies/01-general/1-0120P.html>.
3. A "Confidential Employee" is an individual who learns of allegations of Sexual Misconduct while working in their counseling capacity, including individuals employed within the University's Women's Center, the Victim Advocacy Program, Student Health Services, the PERCH Program, the Counseling Center, other mental health professionals at the University, and the Ombuds. Individuals supervised by such Confidential Employees are also Confidential Employees themselves.
4. The term "Coercion" refers to an attempt to causing, or attempting to cause, another person to act or to think in a certain way by use of force, threats, or intimidation. Coercion is measured by the reasonable person standard.
 - Examples of coercion include but are not limited to:
 - causing the deliberate incapacitation of another person;
 - threatening to harm oneself if the other person does not engage in a sexual act; and
 - threatening to disclose a person's sexual orientation, gender identity, sexual preferences, or other sensitive, personal information if the person does not engage in a sexual act.
5. The term "Consent" refers to the communication of an affirmative, conscious, knowing, and freely made decision by each participant to engage in agreed upon forms of contact or conduct. It is the responsibility of each person involved in any form of contact or conduct to ensure that they have the consent of the other or others. Consent requires an outward demonstration, through understandable words or actions, which conveys a clear willingness to engage in the contact or

conduct. Consent cannot to be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may result in a violation.

For example, a person who does not physically resist or verbally refuse sexual or non-sexual contact may not necessarily be giving consent. There is no requirement that an individual verbally or physically resist unwelcome contact for there to be a violation. If a party to sexual activity falls asleep during the sexual activity, they lack the capacity to provide consent to further sexual activity.

Consent cannot be inferred from any existing or previous relationship or encounter (i.e. platonic, dating, or sexual). Even in the context of a relationship, there must be mutual consent to engage in sexual contact for each occasion and each form of sexual contact. Consent to one form of sexual contact does not constitute consent to any other form of sexual contact, nor does consent to sexual contact with one person constitute consent to sexual contact with any other person. Additionally, consent to sexual contact on one occasion is not consent to engage in sexual contact on another occasion. Consent cannot be obtained by coercion or force or by taking advantage of a person's inability to give consent because of incapacitation or other circumstances.

A person who has given consent to engage in sexual contact may withdraw consent at any time. Once consent is withdrawn, the sexual contact must cease immediately.

Consent cannot be obtained by force, threat, coercion, manipulation, reasonable fear of injury, intimidation, use of position of influence, or through one's mental or physical helplessness or incapacity. A person who is incapacitated cannot provide consent. Note that generally in Florida, consent cannot legally be given by a minor under the age of 18, with certain specified statutory exceptions.

6. "Cyberstalk" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person, serves no legitimate purpose, and would cause a reasonable person to feel fear.
7. "Dating Violence" means violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) and the frequency of interaction between the persons involved in the relationship.

8. "Day" means a business day, but does not include days in which the University is closed due to holidays, weather, or other events. When a student is a party, any deadline for the student party to act will be paused during intersession periods between semesters.
9. "Decision-Maker" is the individual, or group of individuals, designated by the University to conduct a live hearing to make a determination of responsibility about whether the alleged Sexual Misconduct occurred. The Decision-Maker will not be the same person as the Title IX Coordinator or investigator.
10. "Domestic Violence" includes conduct that constitutes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Florida or where the violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Florida or where the violence occurred. The University need not prove domestic violence under the standards of criminal law to find a violation of this Regulation, as this Regulation is not subject to criminal rules of procedure or proof.
11. "False Report" means making a materially false statement in bad faith in the course of proceedings under this Regulation. For example, a False Report includes providing materially false information during an investigation in bad faith, or misleading University officials in proceedings involving alleged violations of Sexual Misconduct through materially false information in bad faith. UNF takes the accuracy of information very seriously and a false report of Sexual Misconduct may have severe consequences. A good-faith complaint is not considered a False Report, even if the case is dismissed or the Respondent is not found responsible.
12. "Fondling" is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
13. "Force" is the use or threat of physical violence and/or emotional or psychological manipulation to gain sexual access. Force includes threats, implied threats or intimidation, and coercion that overcomes free will or resistance to gain consent.
14. "Formal Complaint" is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that University investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating or attempting to participate in the University's education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail using the contact information in this Regulation, or by using the online form found at https://cm.maxient.com/reportingform.php?UnivofNorthFlorida&layout_id=70.

As used in this definition, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through the University's online form) that

contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

15. "Grievance Process" for purposes of this Regulation refers to all or a part of the process of reporting of Sexual Misconduct, filing of a Formal Complaint, investigating, holding a hearing, reaching a determination of responsibility, deciding any appeals, and imposing discipline or providing remedies (if any).
16. "Incapacity" means the physical and/or mental inability to make an informed or rational judgment. Incapacity to consent may result from mental disability, intellectual disability, duress, unconsciousness/sleep, age, flashbacks, or use of alcohol, drugs, medication, and/or other substances. Where alcohol or other drug has been consumed, one does not have to be intoxicated to lack the capacity to provide consent to engage in sexual activity. Rather, incapacity is determined by how the alcohol or drug consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. Being intoxicated or under the influence of alcohol or drugs is not a defense to a complaint of Sexual Misconduct under this Regulation as all parties involved in a sexual act must provide and obtain ongoing consent to engage in sexual activity. Indications of consent are irrelevant if the initiator of sexual activity knows, or reasonably should have known, of the incapacity of the other person.
17. "Incest" is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
18. "Indecent Exposure" means to expose or exhibit one's sexual organs in public or within the private premises of another, or so near thereto as to be seen from such private premises, in a vulgar or indecent manner, or to be naked in public except in a place provided for that purpose. It also includes the unwelcome transmission of sexual images of one's own sexual organs or nakedness such as via sexting.
19. "Non-consensual sexual contact" means sexual contact that occurs without consent. It also includes using force to cause a person to touch their own intimate parts or the intimate parts of others without consent with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
20. "Non-consensual sexual intercourse" means vaginal, anal, or oral sexual penetration that occurs without consent.
21. "Obstruction of a Sexual Misconduct Proceeding" means improper actions to discourage or impair participation in a Sexual Misconduct grievance process, including but not limited to intimidating witnesses or other participants in the investigation process.
22. "Rape" is the 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, without the consent of the victim. This offense includes the rape of both males and females.
23. "Respondent" is an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct, including Title IX Sexual Harassment.

24. "Responsible Employee" means an individual who is required to promptly report allegations of Sexual Misconduct by or against any member of the University Community to the University's Title IX Coordinator. All University faculty and staff, including full or part-time positions and OPS employees, are Responsible Employees under this Regulation, except Confidential Employees.

If an individual alleges that they have been subjected to Sexual Misconduct of a criminal nature, if the alleged victim consents, a Responsible Employee should also contact the University Police Department (UPD).

Student employees are only Responsible Employees if they are employed in the following positions or areas:

- Graduate Teaching Assistants and Graduate Research Assistants;
- The Athletics department; or
- UNF Housing and Residence Life.

This definition of "Responsible Employee" does not absolve anyone with knowledge or reason to suspect child abuse, abandonment, or neglect, of the responsibility to report relevant information to the Department of Children and Families in accordance with Florida Statute section 39.201, and Board of Governors Regulation 3.002.

25. "Sexual contact" means the deliberate intentional touching, either directly or through the clothing, of a person's intimate parts including their genitalia, anus, groin, breast, inner thigh, or buttocks.
26. "Sexual exploitation" means taking sexual advantage of another person without their consent, and includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts or buttocks) of another person; allowing third parties to observe private sexual acts; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.
27. "Sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. A "sex offense" is generally any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Without limiting that definition of sexual assault, the following are examples of sexual assault:
1. Fondling
 2. Incest

3. Rape
4. Sodomy
5. Statutory Rape

Under this definition of sexual assault, which is mandated by federal Title IX regulations, it is possible that a similar act may be classified as one or more variants of sexual assault, or different variants, depending on the sex or gender of Complainant or Respondent. For example, under these definitions, oral sex without consent on a vagina would be "rape," but oral sex without consent on a penis would be "sodomy." The University will not discriminate on the basis of sex or gender in grievance processes or in disciplinary sanctions in such cases. The University will apply the same proceedings and same range of disciplinary sanctions regardless of sex or gender.

28. "Sexual intercourse" means penetration (anal, oral or vaginal) by a penis, tongue, finger, or by any other object.
29. "Sodomy" is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
30. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 1. fear for his or her safety or the safety of others; or
 2. suffer substantial emotional distress.
31. "Statutory Rape" is non-forcible sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in statutory rape; the act is not an attack.
32. "Supportive Measures" mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to 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 University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter Sexual Misconduct. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

33. "Voyeurism" means to trespass, spy, eavesdrop, or otherwise invade the privacy of another for the purpose of personal sexual arousal.

IV. PROHIBITION AGAINST SEXUAL MISCONDUCT

A. Application to All

All members of the University Community are required to comply with this Regulation, both on- and off-campus. This extends to vendors, contractors (including the employees of third parties), guests, or others on the University's campus and at any University sponsored or related function or activity.

B. Violations

It shall be a violation of this Regulation to engage in any of the following conduct:

1. Cyberstalking
2. Dating violence
3. Domestic violence
4. Making a False Report
5. Indecent Exposure
6. Non-consensual sexual contact
7. Non-consensual sexual intercourse
8. Obstruction of a Sexual Misconduct Proceeding
9. Sexual exploitation
10. Sexual assault
11. Sexual coercion
12. Sexual Harassment and Title IX Sexual Harassment
13. Stalking
14. Unlawful possession of or administration of date rape drugs such as Rohypnol, GHB, Burundanga, Ketamine, or alcohol, in order to engage in other conduct that violates this Regulation
15. Voyeurism

C. Additional Examples of Criminal Acts, when based on Sex, which May Constitute Sexual Misconduct

1. Hazing on the basis of sex in violation of University Regulation 5.0020R, Prohibition Against Hazing.

2. Bullying and Cyberbullying on the basis of sex, meaning repeated and/or severe aggressive behaviors likely to intimidate or harm another person, physically or emotionally.

D. Protection for Freedom of Expression

The University environment is unique in that there must be the freedom to express ideas and to foster communication on subjects that enhance the University's educational mission. Accordingly, while the University is committed to providing a learning environment that is free from Sexual Misconduct, the purpose of this Regulation is not intended to abridge academic freedom or to interfere with freedom of expression as guaranteed by the U.S and Florida Constitutions. As a result, Sexual Misconduct does not include:

- The expression of ideas in an academic context to provoke thought or discussion on topics germane to the course and advancement of the University's educational mission.
- Engagement in debate or discourse over issues that society may find to be unpopular, offensive, or disagreeable.
- Discussing, using or displaying views, words, symbols or thoughts in an academic setting which are germane to the course and which some persons may find to be offensive.
- Other legally protected activities and statements.

Individuals must be mindful that although rights of freedom of expression and academic freedom are broad, they are not unlimited. The University will take action on conduct that goes beyond legal protections and violates this Sexual Misconduct Regulation.

V. REPORTING AND ADDRESSING SEXUAL MISCONDUCT

The University's first priority is the safety of the University Community. Any individual who believes they are being subjected to Sexual Misconduct should first get to a safe place. An individual who fears for their physical safety and/or feels threatened while on UNF's campus should call the University Police Department from a safe location or by using any campus telephone by dialing 911 or using any "Code Blue" station. Off campus, an individual in fear or threatened should contact law enforcement by dialing 911.

Individuals who wish to address Sexual Misconduct should never hesitate to do so, and should contact the Title IX Coordinator, a Deputy Title IX Coordinator, Responsible Employee, the University Police Department, or other University resources as quickly as possible.

It must be emphasized that an individual is not required to take affirmative steps to stop Sexual Misconduct in order to file a Title IX claim or utilize available University resources such as the Women's Center, Victim Advocacy Program, Counseling Center, Student Health and other services. For example, if a student has been sexually assaulted, they are not required to first file a police or Title IX report before accessing the Victim Advocacy Program.

While the University encourages prompt reporting by an individual who feels that they have been subject to Sexual Misconduct, it is the individual's option to, or not to, report and seek assistance from law enforcement and individuals designated in this Regulation.

A. Reporting Sexual Misconduct

If you believe that you have experienced, witnessed, or learned of Sexual Misconduct, notify the Title IX Coordinator as soon as possible after the incident. You do not have to tolerate unacceptable behavior, regardless of who is creating the situation. There is no specific time frame for individuals who have experienced Sexual Misconduct to make a report pursuant to this Regulation. Individuals are, however, encouraged to make a report soon after the incident in order to maximize UNF's ability to investigate and resolve the matter. Note that under the Student Code of Conduct, generally a student will not be charged with a violation of the Student Code of Conduct more than one year after the date the conduct occurred or was discovered, whichever is later.

Responsible Employees and those designated as a Campus Security Authorities must report allegations of Sexual Misconduct to the Title IX Coordinator. Additionally, anyone who interacts in our University Community and believes that they have experienced, learned of, or witnessed a violation of this Regulation is ***strongly encouraged*** to report the matter to the Title IX Coordinator.

Any person may report Sexual Misconduct (whether or not the person reporting is the alleged victim of Sexual Misconduct) in person, by mail, by telephone, by email using the contact information for the Title IX Coordinator as listed in this policy, or the web portal found in the definition of Formal Complaint. Such a report may be made at any time (including during non-business hours) by using the telephone number, email address, mail to the office address listed for the Title IX Coordinator, or through the web portal.

Individuals may make an anonymous report concerning an instance of Sexual Misconduct by completing a form found at the following website: <https://www.unf.edu/internal-auditing/unf-ethics-hotline.html> or using UPD's "Silent Witness" procedure.

Reports about Sexual Misconduct do not have to be formal, signed complaints in order to obtain Supportive Measures. However, please understand that an anonymous report may limit the University's ability to investigate, respond, and take action. Anonymous reporting is not permitted for Responsible Employees who are relaying another individual's potential incident of Sexual Misconduct that has come to their attention.

If you are not sure whether an incident of Sexual Misconduct has occurred, you may contact the Title IX Coordinator for assistance in determining the nature of the incident and whether it should be reported pursuant to this Regulation.

B. Advisors and Additional Resources

At any point during the processes described in this Regulation, the parties may use an advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding, except that the advisor may not serve in any other role in the process, including as a witness, an investigator, Title IX Coordinator, Decision-Maker, hearing officer, or appeal authority because of the inherent conflict of interest such an arrangement would create. Any advisor serves at the requestor's own expense and initiative, except that if a party does not have an advisor at a live hearing, the University will provide one without fee or charge to the party for purposes of conducting cross-examination and questioning of a party or witness.

All advisors must follow appropriate rules of decorum. Until the hearing at which the Decision-Maker will determine responsibility, the advisor may present at all meetings to advise the individual or the reporting person but cannot speak for the individual, present the case, serve as a witness, or otherwise participate directly in any meeting. At the live hearing with the Decision-Maker to determine responsibility, the advisor may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses, but may not testify.

In addition, all University employees and students who believe they have been subjected to Sexual Misconduct in violation of this Regulation are eligible to receive confidential services through UNF's Women's Center, Victim Advocacy Program, Counseling Center or Student Health Services. An individual seeking to use these resources is not required to have first made a report of Sexual Misconduct.

By accessing these resources, students, faculty and staff will receive an advocate who will assist the victim in assessing their options, such as reporting the Sexual Misconduct to UPD or the Title IX Coordinator, as well as serving as the individual's liaison for on and off campus services.

A contractor or guest who alleges they have been subjected to Sexual Misconduct in violation of this Regulation, will generally be referred to off-campus resources. In addition, the University may provide the contractor or guest any services that are deemed reasonable to promptly address the allegations of Sexual Misconduct.

Respondents have the same right to utilize campus services available to those who indicate they are victims of Sexual Misconduct. In the event the Respondent is a contractor or guest, they will be referred to appropriate off-campus resources if they desire assistance.

C. Supportive Measures in Response to Reports of Sexual Misconduct

The University will promptly respond to every report of Sexual Misconduct through its Title IX Coordinator or designee. It is not necessary to file a Formal Complaint to receive Supportive Measures.

In each case of reported Sexual Misconduct, the Title IX Coordinator will promptly and confidentially contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain the process for filing a Formal Complaint. Where appropriate, the Title IX Coordinator will also offer Supportive Measures to Respondents. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Supportive measures are individualized based on the information gathered. They are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party. They are designed to ensure equal educational access, protect safety and deter sexual harassment. For students, the University attempts to avoid depriving any student of her or his education. For employees, the University attempts to provide a positive working environment. The measures needed by the parties may change over time to ensure that the Supportive Measures remain necessary and effective based on each individual's evolving needs, and ongoing coordination with the Title IX Coordinator as needs evolve is strongly encouraged.

D. Filing a Formal Complaint

If a Complainant would like the University to take further action beyond providing Supportive Measures, the Complainant may file a Formal Complaint. The Formal Complaint must contain all of the necessary elements found in the definition of Formal Complaint in the Other Definitions section of this Regulation.

In some circumstances, the Title IX Coordinator may also file a Formal Complaint.

The University may consolidate Formal Complaints as to allegations of Sexual Misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references to the singular "party," "complainant," or "respondent" include the plural, as applicable.

VI. EMERGENCY REMOVALS AND ADMINISTRATIVE LEAVE

This Regulation generally requires a hearing prior to taking any action that unreasonably burdens a Respondent. However, the University may remove a Respondent from some or all of the University's programs and activities on an emergency basis if it determines there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual

Misconduct. Prior to making an emergency removal, the University will conduct an individualized safety and risk analysis.

If a Respondent is removed pursuant to this section, the University will provide the Respondent with written notice and an opportunity to challenge the decision immediately following the removal. To challenge the removal, within three (3) days of receiving notice of the emergency removal, the Respondent must inform the Title IX Coordinator, in writing, of the basis of their challenge to the removal. The Title IX Coordinator will provide a copy of the challenge to the Complainant.

The University will then appoint a Decision-Maker to hold a hearing without delay, as soon as possible given the circumstances, but no later than five (5) days after the Title IX Coordinator's receipt of the challenge. The Decision-Maker will provide written notice to the parties of the date and time of the hearing, provide both parties the opportunity to be heard at the hearing, and issue its written decision no later than two (2) days after the hearing.

If a Respondent is removed pursuant to this emergency removal procedure, they retain all rights to an investigation and hearing as set forth in this Regulation prior to any ultimate finding of responsibility and sanctions.

Nothing in this section precludes the University from placing a non-student employee Respondent on administrative leave during the pendency of the grievance process.

VII. MANDATORY AND PERMISSIVE DISMISSALS

If the Complainant decides to file a Formal Complaint, the University will analyze whether it is to be dismissed. This analysis occurs prior to the investigation, and also at any point in the investigation or grievance process when the grounds for dismissal appear. In all cases, if the Formal Complaint is dismissed, the Title IX Coordinator will promptly and simultaneously provide the parties written notice of the dismissal, the reasons for the dismissal, and an opportunity to appeal.

A. Title IX Sexual Harassment

If the Complainant decides to file a Formal Complaint, for cases involving Title IX Sexual Harassment, the federal regulations state that the University must dismiss a Title IX Sexual Harassment Formal Complaint to the extent the conduct alleged in the Formal Complaint:

1. Would not constitute Title IX Sexual Harassment even if proved;
2. Did not occur in the University's education program or activity; or
3. Did not occur against a person in the United States.

Even though a Formal Complaint must be dismissed for Title IX purposes in these circumstances, the University may continue to review the allegations as set forth in this Regulation as another form of Sexual Misconduct or other violation of the University's regulations, rules, and policies.

In addition to those grounds for mandatory dismissal, the University may dismiss a Formal Complaint alleging Title IX Sexual Harassment, or any allegations therein, in the following circumstances:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
2. The Respondent is no longer enrolled or employed by the University; or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

In determining whether to dismiss in these circumstances, the Title IX Coordinator will evaluate whether a dismissal would be clearly unreasonable in light of the known circumstances.

B. All Other Forms of Sexual Misconduct

For Sexual Misconduct outside of Title IX's jurisdiction, the University may dismiss a Formal Complaint in the following circumstances:

1. The conduct would not constitute Sexual Misconduct even if proved;
2. Upon completion of the investigation, the Title IX Coordinator concludes that there is not reasonable cause to believe that a violation of this Regulation occurred. Reasonable cause is a lower standard than preponderance of the evidence;
3. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
4. The Respondent is no longer enrolled or employed by the University; or
5. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If dismissed, the University may continue to review the allegations as a violation of other University regulations, rules, and policies. For example, the Title IX Coordinator may determine that the alleged conduct does not constitute Sexual Misconduct, but may include allegations that, if proven, would violate the Student Code of Conduct. The Title IX Coordinator has the authority to refer matters to other divisions of the University when appropriate.

VIII. INVESTIGATION OF FORMAL COMPLAINTS

A. Criminal Investigations

To initiate a criminal investigation, reports of Sexual Misconduct should be made to "911," the University Police Department, or local law enforcement. The criminal process is separate from UNF's investigation and disciplinary process. The University has an obligation to promptly respond to allegations of Sexual Misconduct and investigate all Formal Complaints while the criminal process is pending. Therefore, the University in its sole discretion may proceed with an investigation under this Regulation before, during, or after any law enforcement investigation or criminal proceedings.

B. Triggering a University Investigation

The University's investigation is triggered by the filing of a Formal Complaint, whether by the Complainant or Title IX Coordinator. In order to facilitate the investigation, a Formal Complaint should include as many details of the incident as possible. For example, providing names of the individuals involved and names of any witnesses can help expedite the investigation.

C. Timeline for an Investigation and Responsibility Determination

It is the University's intention to complete a Title IX investigation and reach a determination of responsibility within ninety (90) business days, although the school's good-faith efforts to conduct a fair, impartial investigation in a timely manner may require a different timeline depending on the circumstances.

Any deadline set forth in this Regulation or imposed during the grievance process may be temporarily modified or given a limited extension of time for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the modification. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The University may act on its own in modifying deadlines, or the parties may request an extension in writing by contacting the Title IX Coordinator.

D. Appointment of an Investigator

The University's Title IX Coordinator's primary responsibility is to coordinate the University's compliance with Title IX, including the procedure for investigating Formal Complaints of Sexual Misconduct. The Title

IX Coordinator may investigate Formal Complaints, or may designate one or more properly trained individuals to investigate, including University or third-party investigators.

The University prohibits the Title IX Coordinator, investigators, Decision-Makers, and any person facilitating an informal resolution process from having a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. In the event of a conflict or bias, the University will appoint an alternate individual so that the process is free of conflicts of interest and bias.

E. Concurrent Proceedings

If the Respondent is a student and portions of a complaint include allegations that violate the Student Code of Conduct but are not alleged violations of the Sexual Misconduct Regulation or the Non-Discrimination, Equal Opportunity, and Inclusion Regulation, then those allegations may be investigated and/or addressed separately by Student Conduct before, during, or after the investigation coordinated by the Title IX Coordinator.

Similarly, if the Respondent is an employee and portions of a report or complaint include allegations that violate the University's personnel policies, but are not alleged violations of the Sexual Misconduct Regulation or the Non-Discrimination, Equal Opportunity, and Inclusion Regulation, then those allegations may be investigated and/or addressed separately by Human Resources before, during, or after the investigation coordinated by the Title IX Coordinator.

F. Written Notices During an Investigation

The University will provide written notice of an investigation to the Complainant and Respondent. This notice will include sufficient details on the identities of the parties involved, the specific alleged violation, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident, to the extent known. It will also contain notice of the procedures set forth in this Regulation, a statement that the Respondent is presumed not responsible for the alleged conduct, and a statement that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence collected during the investigation at an appropriate time. The written notice will also inform the parties that this Regulation prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the original written notice, the University will provide notice of the additional allegations to the parties.

In all cases, the written notice will be provided to the Parties at least fifteen (15) days prior to the live hearing, except in cases of emergency or unless waived by the Respondent.

G. The University's Burdens During Investigation

The burden of gathering evidence and burden of proof is on the University. For example, in a case where consent is a key issue, this means that the University will not shift the burden of proof to a Respondent to prove consent, and will not shift that burden to a Complainant to prove absence of consent.

H. The Collection of Evidence

The parties will have an equal opportunity to present facts and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The University will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

I. Exclusion of Certain Forms of Evidence

The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a grievance process.

In addition, during the investigation or any other stage of the processes described in this Regulation, the University will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

If a party chooses to provide evidence that would otherwise be excluded under this subsection, it will be considered directly related evidence subject to the parties' inspection.

J. Review of Collected Evidence & Investigatory Report

The Title IX Coordinator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigatory report, the University must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will be given at least 10 days to submit a written response. The investigator will consider any written responses prior to completion of the investigatory report.

The University will also make all directly related evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

The Title IX Coordinator will send the parties and their advisors an investigatory report that fairly summarizes relevant evidence, with at least 10 days for the parties to respond, prior to a hearing or determination of responsibility.

IX. INFORMAL RESOLUTION

If a Formal Complaint has been filed, the University has the discretion at any time prior to reaching a determination regarding responsibility to choose to offer and facilitate informal resolution options so long as the parties give voluntary, informed written consent to attempt informal resolution. Informal resolution is not available when a Complainant is a student alleging that a University employee has engaged in Sexual Misconduct.

In offering an informal resolution process, the University will provide the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which, upon reaching an agreed resolution, it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint. The University will also explain any

consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The Informal Resolution process must be completed within fifteen (15) days of the parties agreeing to pursue such a process. If not completed by that deadline, in the absence of any approved extensions, the Formal Complaint will continue to be investigated and processed for a live hearing as described in this Regulation

X. HEARINGS

A. The Hearing Process

Formal Complaints that have not been dismissed or informally resolved will result a live hearing. The Decision-Maker or a hearing officer will explain each participant's rights and options and assure that fairness and procedural due process are observed throughout the hearing. For example, witnesses may only be present during the time they are being questioned. Note that the hearing process is not the same as a criminal or civil proceeding. Procedures governing Florida's criminal or civil courts, including formal rules of evidence, are not applicable.

At the live hearing, the Decision-Maker(s) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor rather than by a party personally. At the request of either party, the University will provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties and Decision-Maker to see and hear the party or witness answering questions.

Only relevant cross-examination and other questions may be asked of a party or witness. To ensure this, before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the University will provide one, without fee or charge.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered

to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Decision-Maker(s) will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. The University will create an audio or audiovisual recording, or transcript, of any live hearing.

Live hearings will be closed to the public.

B. The Written Determination Regarding Responsibility

The Decision-Maker will apply the "preponderance of the evidence" standard to determine whether it is more likely than not that the alleged conduct occurred. The Respondent is presumed not responsible unless the preponderance of the evidence shows otherwise. Proceedings are conducted to consider the totality of all evidence available, from all relevant sources.

The written determination must include the following:

1. Identification of the allegations potentially constituting Sexual Misconduct;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the University's rules and regulations to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant (without disclosing the

nature of those remedies except to the extent a remedy also imposes requirements on the Respondent); and

6. The University's procedures and permissible bases for the Complainant and Respondent to appeal.

The University will provide the written determination to the parties simultaneously within 14 days from the conclusion of the hearing. The Decision-Maker will also provide a copy of the written determination to the Title IX Coordinator.

XI. DISCIPLINARY SANCTIONS

In reaching a determination regarding sanctions, consideration will be given to any aggravating and mitigating circumstances. The sanctions described below are a description of the range of sanctions available, and not an exhaustive list of all sanctions that may be imposed.

Students who are found to have violated this Regulation will be subject to disciplinary action as set forth in the Student Code of Conduct Regulation 5.0010R. Any sanctions will be proportionate to the severity of the violation and the student's cumulative conduct history. The range of sanctions include the following: reprimand, restorative service, reflective learning, educational programming, monitoring events, counseling assessment and compliance, restitution, disciplinary probation, restrictions, exclusion from university housing, suspension, loss of university recognition, expulsion, withholding of records, and/or transcript notations.

Faculty and staff who are found to have violated this Regulation will be subject to disciplinary action pursuant to applicable collective bargaining agreements or UNF's Personnel Program. The range of sanctions include the following: letters of reprimand, training, performance improvement plans, reassignment, demotion, suspension with or without pay, and termination. Third parties (including contractors and guests) who are found to have violated this Regulation may be barred from the campus and/or conducting business with UNF. Disciplinary actions against students, employees and third parties will be determined on a case-by-case basis.

XII. REMEDIES

In some cases, the Decision-Maker may find that remedies are needed for a Complainant when a Respondent is found responsible for violating this Regulation. Remedies are designed to restore or preserve the Complainant's equal access to the University's education program or activities. As an example of the range of remedies available, remedies may include similar individualized services as defined in Supportive Measures; however, remedies need not be non-disciplinary or non-punitive and

need not avoid burdening the Respondent. Remedies do not include damages or other financial awards, or other relief that would impose an undue hardship on the University.

The Title IX Coordinator is responsible for the effective implementation of any remedies. When a Decision-Maker's determination indicates that remedies will be offered to the Complainant, the Complainant should contact the Title IX Coordinator to arrange for appropriate remedies.

XIII. APPEALS

Both parties will be provided with the opportunity to appeal a determination or dismissal based on the following grounds only:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
4. The sanctions are extraordinarily disproportionate to the violation committed.

An appeal must be submitted in writing to the Title IX Coordinator within five (5) days following receipt of the Decision-Maker's written determination and identify the grounds and arguments for challenging the outcome. If the appeal is based on newly discovered evidence, the evidence must be submitted with the written appeal.

Upon receipt of an appeal, the Title IX Coordinator will notify the other party in writing when an appeal is filed and provide them with five (5) days to submit a written statement in support of or challenging the outcome.

The University will appoint a Decision-Maker(s) for the appeal, who will not be the same person as the Decision-Maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. The Decision-Maker(s) on appeal will have been properly trained prior to handling the appeal.

After both parties have had an opportunity to present their arguments challenging or supporting the outcome, the Decision-Maker(s) will issue a written decision describing the result of the appeal and the

rationale for the result. This appellate decision will be provided simultaneously to both parties. The Decision-Maker will also provide a copy of the appellate determination to the Title IX Coordinator.

Final appellate decisions resulting in a suspension or expulsion of a student must include notice to the student of the student's right to appeal to an external judicial forum.

XIV. PRIVACY AND CONFIDENTIALITY

The University will keep confidential the identity of any individual who has made a report or complaint of Sexual Misconduct, including any individual who has made a report or filed a Formal Complaint, any Complainant, any individual who has been reported to be the perpetrator of Sexual Misconduct, any Respondent, and any witness, except as may be permitted by the FERPA, or as required by law, or to carry out the purposes of this Regulation, including the conduct of any investigation, hearing, or appeal.

The University will also 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 the University to provide the Supportive Measures.

What this means is that the University is committed to protecting the privacy of all individuals involved in a report of Sexual Misconduct. However, as described in this section, it cannot guarantee complete confidentiality and anonymity in all circumstances.

If an individual desires confidentiality, meaning that no information will be shared, then that individual must either contact a Confidential Employee or their off-campus equivalent, who will maintain the confidentiality to the extent permitted by law. **Please remember that if an individual informs a Responsible Employee of Sexual Misconduct, that Responsible Employee must report the allegation to the Title IX Coordinator pursuant to this Regulation and cannot promise confidentiality.**

The University will keep reports and investigations under this Regulation private to the extent possible under the law, meaning it will only disclose information to individuals with a legitimate need to know in order to review, investigate, and resolve reports of Sexual Misconduct, or as permitted or required by law.

The University may release information about Sexual Misconduct in certain circumstances without permission in order to warn and protect the University Community. For example, under the Clery Act, the University must issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to other members of the campus community. UNF will make every effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. UNF reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

An individual reporting of Sexual Misconduct has the right to not proceed with filing a Formal Complaint; however, the Title IX Coordinator may have an obligation to file their own Formal Complaint, investigate, and take remedial action even if the individual no longer participates. This would be true, for example, if the reported Sexual Misconduct indicated that there was a reasonably anticipated risk that the reported individual would commit additional acts of Sexual Misconduct or other violence; whether the Sexual Misconduct was reportedly engaged in by multiple individuals; whether a weapon was involved; and whether there is an indication of a pattern of misconduct. A lack of participation may, however, limit the University's ability to investigate and resolve concerns.

As explained in this Regulation, if a Formal Complaint is filed, the University has an obligation to identify the parties and the substance of the Complaint to comply with due process and the federal Title IX regulations.

XV. AMOROUS AND SEXUAL RELATIONSHIPS

It is not uncommon for University Community members who study, work or interact together to develop caring relationships. However, when persons in positions of unequal power engage in amorous or sexual relationships (e.g., between a supervisor and an employee, faculty member and student, or staff member and student), the person of greater power places themselves at risk of being accused of sexual harassment, either during the relationship or after the relationship ends. Accordingly, the University has adopted a policy prohibiting amorous or sexual relationships where one individual in the relationship is in a position to exercise authority such that it could impact the educational or work performance of the other individual. Please refer to the Amorous or Sexual Relationships Policy (1.0070P).

XVI. RETALIATION

The University will not, nor will it permit any other person or organization to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Regulation, or because the individual has made a report or complaint, testified, assisted, or

participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Regulation.

In some situations, disciplinary proceedings will be necessary for conduct arising out of the same facts or circumstances as a report or complaint of Sexual Misconduct. However, the University will not intimidate, threaten, coerce, or discriminate for the purpose of interfering with any right or privilege secured by Title IX or this Regulation in pursuing such proceedings. For example, the University will not institute a student code of conduct charge against a Respondent for refusing to testify, or threaten that it will bring a conduct charge against a witness to coerce them to participate in a hearing.

Individuals who believe they have been retaliated against should promptly notify the Title IX Coordinator or Human Resources Department. If the individual against whom the allegation is made is the Title IX Coordinator or within the Human Resources Department, contact the Chief Compliance Office (compliance@unf.edu).

Complaints alleging retaliation will be addressed according to the grievance process for sex discrimination described in the Non-Discrimination, Equal Opportunity, and Inclusion Regulation (1.0040R).

Those found to have violated this prohibition against retaliation will be subject to disciplinary action up to and including suspension or expulsion for students and termination for employees.

XVII. ON- AND OFF-CAMPUS CONTACTS TO GET HELP

A. Emergency Situations

If in fear for physical safety, facing threats, or assault is involved contact:

University Police Department

Martin P. Garris Police Building (Building 41)

911 or (904) 620-2800

<https://www.unf.edu/upd/>

UNF's Victim Advocacy Program (located within the Women's Center)

Founders Hall (Building 2)

Room 2100

(904) 620-1010

<https://www.unf.edu/womenscenter/victim-advocacy/>

Jacksonville Sheriff's Office

501 E. Bay Street

Jacksonville, FL

911 or (904) 630-0500

<https://www.jaxsheriff.org/>

B. University's Title IX Coordinator

Title IX Coordinator

Equal Opportunity and Inclusion Office

J.J. Daniels Hall (Building 1), Suite 1201

1 UNF Drive, Jacksonville, FL.

(904) 620-2507

<https://www.unf.edu/eoi/>

eoi@unf.edu

C. Additional On-Campus Contacts

In addition to contacting EOI, any of the following offices at the University may be contacted for information or assistance regarding matters involving Sexual Misconduct:

Office of Academic Affairs

J.J. Daniel Hall (Building 1)

Room 2500

(904) 620-2700

<https://www.unf.edu/asa/>

UNF Counseling Center

Founders Hall (Building 2)

Room 2300

(904) 620-2602

<https://www.unf.edu/brooks/counseling-center/>

Office of Human Resources

J.J. Daniel Hall (Building 1)

Room 1101

(904) 620-2903

<https://www.unf.edu/hr/>

Lesbian, Gay, Bisexual, Transgender Resource Center

Student Union East (Building 58)

Room 1111

(904) 620-4720

<https://www.unf.edu/lgbtqcenter/>

Office of Student Conduct

Tom and Betty Petway Hall

Building 57W, Suite 2750

(904) 620-3979

<https://www.unf.edu/conduct/>

Office of the Student Ombudsman and Dean of Students

Tom & Betty Petway Hall

Building 57W

Suite 2700

(904) 620-1491

<https://www.unf.edu/ombuds/>

<https://www.unf.edu/deanofstudents/>

UNF Women's Center

Founders Hall (Building 2) Room 2100

(904) 620-2528

<https://www.unf.edu/womenscenter/>

D. Off-Campus Resources

In addition to the University's on-campus resources, any of the following off-campus/community resources may be contacted for information or assistance regarding Sexual Misconduct:

Hubbard House

(904) 354-3114

Provides 24-hour services to domestic and dating violence victims and survivors. Services include emergency shelter, counseling, support groups, court advocacy, and information and referral. All services are free and confidential.

<https://www.hubbardhouse.org/>

Sexual Assault Forensic Exam (SAFE) Program

The Women's Center of Jacksonville's Rape Recovery Team

(904) 721-7273

Provides crisis counseling for both the rape victim and victim's family. Forensic medical examinations are available to victims within 120 hours (5 days) of the assault regardless of whether the assault was reported to law enforcement. All services are free and confidential.

<https://womenscenterofjax.org/rape-recovery-and-prevention/>

Victim Services Center - City of Jacksonville

(904) 255-3388

Provides comprehensive services to victims of crimes and their families. Services are designed to reduce trauma and facilitate recovery. Services include emergency funds, community education, crisis response, information and referral, support through the criminal justice system, support groups and counseling.

<https://www.coj.net/departments/parks-and-recreation/social-services/victim-services>

Authority: Board of Governors Regulations 1.001, Board of Governors Regulation 6.0105. Approved by the BOT as amended.