

UNIVERSITY OF FLORIDA

Gender Equity Policy

I. STATEMENT OF PURPOSE AND COMMITMENT

The University of Florida is committed to providing all members of our community with fair and equitable treatment, regardless of their sex, gender, or sexual orientation. As such, the University strives to protect our students, employees and visitors from any form of gender inequity, including, but not limited to: Sexual Harassment, Sexual Assault, Intimate Partner Violence, Sexual Exploitation, Stalking/Cyberstalking, Pregnancy Discrimination Gender bias and associated Retaliatory Actions. As such, these forms of behavior will not be tolerated at the University and any individual who engages in such conduct will be subject to disciplinary action either through the Human Resource disciplinary process or through the Student Conduct process.

The purpose of this policy is to identify behavioral expectations that will meet the goal of establishing and maintaining a safe and healthy environment – free from all forms of gender inequity– for all individuals working, learning, residing and visiting our community. Implicit in this goal, is the expectation that all members of the University community act toward this commitment by promptly reporting any suspected violation of this policy.

II. POLICY SCOPE & JURISDICTION

All individuals affiliated with the University of Florida who believe they have been subjected to any form of gender inequity fall within the scope of this policy. The University of Florida will appropriately address allegations of gender inequity through one of the following mechanisms:

- 1) The University of Florida’s Guidelines to Address Gender Inequity (UF’s Guidelines) – OR –
- 2) Guidelines dictated by Title IX of the Education Amendments Act (Title IX Guidelines)

Location and other jurisdictional factors surrounding the alleged incident will determine which of the above mechanisms will be used to address the misconduct. Very specific conditions must be met in order for a case to be addressed through Title IX Guidelines: **Condition Regarding Involved Parties** – This condition must be met in all Title IX cases

Both parties must be currently enrolled students or current employees at the University of Florida – AND – the behavior must negatively affect access to education.

Condition Regarding Locational Requirements – At least one of the following locational conditions must be met in all Title IX cases

- Incident must have occurred on the University of Florida’s campus; OR
- Incident must have occurred within one of the University of Florida’s programs or activities held within the United States (e.g. occurred within United States locations, events, or circumstances over which UF exercised substantial control over both the respondent and the context in which the harassment occurs); OR
- Incident must have occurred within any property in the United States that is owned or controlled by the University of Florida or a student organization officially recognized by the University of Florida.

- Incidents that do not meet the conditions outlined above will be addressed through UF’s Guidelines (see Section IV.A. of this policy).

All incidents that do meet the conditions outlined above must, by federal law, be addressed through Title IX Guidelines (see Section IV.B. of this policy).

The Office for Accessibility and Gender Equity is responsible for overseeing the process by which the University of Florida addresses alleged gender inequity violations; this process has no relationship to the criminal justice system and will not result in any arrest or sentencing. Parties have the right to report their allegations through the criminal court system in addition to, or in lieu of, the University’s process. However, if both processes are initiated, they will be completely separate and will result in separate outcomes. The ultimate goal of the University’s gender inequity process will be to eliminate the unwanted behavior, prevent its recurrence and address its effects on the Complainant and the University community overall.

III. REPORTING MECHANISMS/DECISIONS

A wide variety of options are available to report an alleged gender equity violation, however, the first step for a Complainant is to decide if they simply want to seek out confidential support or officially report the violation. It is important to know that, should a Complainant make a report of an incident of alleged sexual-based misconduct, they will not be required to move forward with an investigation if that is not their desire (see Section IV below for further information on the Title IX Process).

The following are options for reporting gender equity policy violations:

- Reporting Form: <https://titleix.ufl.edu/make-a-report/>
- Title IX Coordinator: (352) 275-1242
- Deputy Title IX Coordinators
- UFPD: (352) 392-1111
- Gainesville Police Department: (352) 955-1818

Also, there are individuals identified as confidential resources who are not obligated to report allegations of gender inequity:

- Office of Victim Services (OVS): <http://www.police.ufl.edu/victim-services/>
- Counseling & Wellness Center (CWC): <http://www.counseling.ufl.edu/cwc/>

Once notified of an allegation of gender inequity, the Office of ADA & Title IX Compliance communicates with involved parties to provide them with the information and support they need to decide the best options for them moving forward. Complainants will decide whether to choose a formal investigation, request an informal resolution, or defer further action in the matter. In some circumstances, supportive measures may be identified to provide immediate relief to parties as they move through the process; the Title IX Coordinator will assist/oversee the implementation of these measures.

IV. PROCESS

A. The University of Florida's Guidelines to Address Gender Inequity (UF's Guidelines)

(Please Note: If your incident met the Title IX conditions outlined in Section II of this policy, the following guidelines do NOT apply; please refer to Section IV.B.)

1. Violations Defined Under UF's Guidelines

Gender-based Harassment – A wide range of offensive behaviors (verbal or non-verbal actions of aggression, intimidation, and hostility) based on gender, sex, sexual orientation, and gender identity or gender expression. These behaviors do not need to be of a sexual nature but must place the receiving person in reasonable fear of physical harm, or objectively disrupt or interfere with their employment, education or other activities related to their role on the University of Florida campus.

Intimate Partner Violence – Abusive behavior between individuals who have a continuing intimate or romantic relationship with each other (married, dating or other intimate relationship). Intimate Partner Violence includes (but is not limited to): assault, stalking, kidnapping, psychological abuse, manipulation/ coercion.

Non-consensual Intimate Touching – Any unwelcome intentional intimate touching of another, which does not constitute sexual violence, without the consent of the other person or in circumstances in which the person is unable, due to incapacitation, to give consent.

Non-Consensual Sexual Penetration – A category of sexual assault defined as any anal, vaginal or oral penetration with an object or body part by a person(s) upon another person who does not consent.

Pregnancy Discrimination – Unjust or prejudicial treatment on the basis of pregnancy/parental status. Title IX prohibits the discrimination of a student based on pregnancy/parental status and requires that these students receive equitable treatment with other students (e.g., allowances for continued participation in classes & extra-curricular activities; provisions for reasonable class/work assignment adjustments as needed; allowances for legitimate absences due to pregnancy/parental status; opportunities to make up missed work, etc.). Only students have recourse under Title IX for Pregnancy Discrimination; employees having concerns regarding these issues should contact the Human Resource Office of Employee Relations via email at EmployeeRelations@hr.ufl.edu or via phone at (352) 392-1072.

Retaliation – Any adverse action or behavior (or attempted adverse action or behavior) imposed against an individual as a result of their participation/ involvement in an investigation. To be retaliatory, the action or behavior must have a materially adverse effect on an individual's employment, academics, living environment or mental well-being. Allegations of retaliation should be immediately reported to the Title IX Coordinator; any individual responsible for retaliation will be subject to disciplinary action.

Sexual Assault – A form of sexual misconduct that includes a broad range of sexual acts that are unwanted by one party and do not have the knowing consent of all parties involved. Sexual assault can be categorized as either non-consensual sexual touching or non-consensual sexual penetration. Specific types of sexual assault include (but are not limited to): forcible touching/kissing, forcible fondling, intimate partner violence, forcible oral copulation.

Sexual Exploitation – Taking non-consensual sexual advantage of an individual for the purpose of sexual gratification, financial gain, retribution, personal advantage or any other illegitimate purpose. Examples include (but are not limited to) the following:

- Observing, photographing, recording or streaming another individual’s identifiable nudity, private parts or sexual activity without their knowledge or consent – or – allowing another to observe, photograph, record or stream consensual sexual activity without the knowledge or consent of those in the act.
- Causing or attempting to cause the incapacitation of another for the purpose of taking sexual advantage.
- Distributing sexually explicit materials of another without his/her consent and/or the consent of the recipient.
- Knowingly exposing another to a sexually transmitted infection/disease without their knowledge/consent.

Sexual Harassment (UF’s Guidelines Only) – Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature directed at a person that places another person in reasonable fear of physical harm, or objectively disrupts employment, education, research, living or other activities.

Stalking/Cyberstalking – Multiple, unwelcome acts directed at a specific person that (by a reasonable person’s standard) cause that individual to fear for his/her (or others’) safety and cause him/her considerable emotional distress. Specific types of stalking include (but are not limited to): monitoring, following, surveilling, harassing, pursuing, threatening, repeatedly contacting a person without consent, interfering, or damaging a personal property.

2. Student Process

Students^a directly involved in allegations of Gender Inequity (Complainant/Respondent) will be guided through the following process:

A. Intake - A meeting will occur with the Title IX Coordinator or designee and a form will be thoroughly reviewed that outlines the process, student rights & responsibilities, available resources, requests for interim measures, etc. All questions will be answered, and at the culmination of the meeting, the Complainant will choose how they would like to move forward ^b (investigation, informal resolution, defer decision, etc.). If the Complainant decides to move forward with an investigation, the Title IX Coordinator or designee will contact the Respondent to meet and thoroughly review the same information and answer all questions. The case will then be forwarded for investigation and, from this point forward, the Complainant will no longer be able to maintain anonymity.

Alternatively, if an informal resolution is requested, the Complainant will identify how they would like the matter to be resolved (mediation, restorative justice, no contact order, apology, etc.). If the suggested resolution is appropriate and, if the Respondent agrees to move forward with an informal resolution, the Title IX Coordinator will oversee this process with both parties. In the event that the Complainant wishes to remain anonymous, it may be possible for the Coordinator to address the issue with the Respondent in general terms, thereby putting the Respondent on notice that the behavior must stop. If the Complainant chooses to defer their decision about moving forward, this will be documented, and further action will be discontinued unless the Complainant subsequently decides to move forward. ^c

NOTES:

a) In the case where the Respondent is both a student and an employee, the Complainant will have the choice of whether the case will be addressed through this student process or the employee process (Section IV.A.3.).

b) In rare cases, the Title IX Coordinator may determine that it is necessary to move forward if there exists a serious threat to the Complainant or the community in general.

c) Given the numerous constraints associated with initiating an investigation after significant time has lapsed, allegations reported more than one year after the precipitating event(s) may not be able to be adjudicated through the Office of Student Conduct and Conflict Resolution. However, this does not preclude the Office of Title IX Compliance from providing support services and resources to the involved parties.

B. Investigation – The assigned investigator will begin by interviewing the Complainant to better understand the allegations and to obtain details of the interactions leading to the alleged violation(s). The investigator will document all material information reported, accept related documents/materials, as available, and obtain a list of requested witnesses^a, if any.

Typically, the Investigator will then interview all/most of the Complainant’s witness(es) to obtain their insight/information on the allegations and collect documentation, as available.

After Complainant witness interviews conclude, the Investigator will contact the Respondent to arrange a time the two can meet. During this interview, the specific allegations will be reviewed, the Respondent will be asked to provide their perspective on the matter and answer questions intended to clarify details of the case. The Respondent will also be asked to provide documents/ materials, if available, and requested witness contact information, if any. Interviews with the Respondent’s witnesses will occur next and material information will be collected as available^b.

NOTES:

- a) Witnesses who do not have information associated with the specific allegations (i.e. Character Witnesses) will not be approved. Witness lists should include: full name of witness, witness email address (preferred) or cell phone number and, a brief statement describing how the witness was involved/made aware of the allegations. The investigator has the ultimate decision-making authority on what evidence/witnesses are material to the case.
- b) Each investigation is handled individually and, therefore, might not follow the exact order outlined above. However, the process will be maintained in every investigation even when the order of interviews is adjusted. Throughout this process, the investigator will typically follow up with parties/witnesses to make additional inquiries as new information is reported.

C. Report/Response – At the culmination of a student investigation, the investigator will compile all information into an Investigative Report. This report will: a) identify the allegations reported, b) outline all parties interviewed and the material information they reported and, c) present all supporting documents submitted as evidence. Both the Complainant and the Respondent will have the opportunity to review the finalized report. This Title IX Investigative report does not determine an outcome or decide if the Respondent is responsible for the allegations reported; that decision falls under the purview of the Office of Student Conduct and Conduct Resolution (SCCR).

Once the Title IX Investigative Report is reviewed by both parties, it will be forwarded to SCCR and, from this point forward, the Office of ADA & Title IX Compliance will no longer have jurisdiction over the case. However, Title IX will continue to maintain a supportive relationship with both parties. The leadership in Student Conduct and Conflict Resolution will be solely responsible to determine whether the information identified in the Investigative Report supports charging the Respondent with a conduct code violation. SCCR will inform both parties of their decision and will oversee any further adjudication/resolution associated with the case, including hearings, appeals, etc.

NOTE: Prohibition against Retaliation

The oversight of UF’s Guidelines to Address Gender Inequity falls under the Office for Accessibility and Gender Equity; this office is responsible for directing/coordinating all aspects of this process through completion of the investigatory report as outlined above.

Retaliation against any person participating in the investigation of a sexual misconduct complaint is strictly prohibited. Any party who suspects retaliation has occurred as a result of an investigation should immediately inform the Investigator, the Title IX Coordinator, and/or their immediate supervisor. Allegations of retaliation or intimidation of

anyone involved in the investigative process are taken very seriously by the University and it is entirely possible that retaliation can result in more serious action than the underlying alleged misconduct.

3. Employee Process

Employees^a directly involved with allegations of Gender Inequity (Complainant/Respondent) will be guided through the following process:

A. Intake - The Title IX Coordinator or designee will contact the Complainant to review the process, identify available resources, determine the need for interim measures, etc. All questions will be answered, and at the culmination of this review, the Complainant will choose how they would like to move forward^b (investigation, informal resolution, defer decision, etc.). If the Complainant decides to move forward with an investigation, the Respondent will be notified of the pending investigation, the process, available resources, etc.^c The case will then be forwarded for investigation and, from this point forward, the Complainant will no longer be able to maintain anonymity.

Alternatively, if an informal resolution is requested, the Complainant will identify how they would like the matter to be resolved (mediation, restorative justice, no contact, apology, etc.). If the suggested resolution is appropriate and, if the Respondent agrees to move forward with an informal resolution, the Title IX Coordinator will oversee this process with both parties. In the event that the Complainant wishes to remain anonymous, it may be possible for the Coordinator to address the issue with the Respondent in general terms, thereby putting them on notice that the behavior must stop.

If the Complainant chooses to defer their decision about moving forward, this will be documented, and further action will be discontinued unless the Complainant decides to subsequently move forward.

NOTES:

a) In the case where the Respondent is both a student and an employee, the Complainant will have the choice of whether the case will be addressed through this student process or the employee process (Section IV.A.3.).

b) Depending on a number of factors (seriousness of the alleged conduct, length of time since precipitating incident, current impact of the reported conduct, etc.), the Title IX Coordinator may determine a full formal investigation is not an appropriate option moving forward. However, this does not preclude the Office of Title IX Compliance from assisting the employee with alternative resolutions and/or support services.

c) In the event the employee is a member of the United Faculty of Florida, this notification will be made in writing as outlined in Article 11.3(a)(2) of the 'Collective Bargaining Agreement'.

B. Investigation – University regulations require employees to participate in an investigation when contacted by the Office of Title IX Compliance. Additionally, employees have the duty to cooperate and be honest and are prohibited from withholding information, impairing or obstructing the process. Failure to comply with these guidelines could result in disciplinary action.

At the onset of the investigation, the assigned investigator will interview the Complainant to better understand the allegations and obtain details of the interactions leading to the alleged violation(s). The investigator will document all material information reported, accept related documents/materials, if available, and obtain a list of requested witnesses, if any. The Investigator will then interview the Complainant's witnesses to obtain their insight/information on the allegations and collect documentation as available.

After Complainant witness interviews conclude, the Investigator will contact the Respondent to arrange a time the two can meet.

During this interview, the specific allegations will be reviewed, the Respondent will be asked to provide their perspective on the matter and to answer questions intended to clarify details of the case. The Respondent will also be asked to provide related documents/ materials, if available, and requested witness contact information, if any. Interviews with the Respondent's witnesses will occur next and material information will be collected as available.

NOTES:

a) Witnesses who do not have information associated with specific allegations (i.e. Character Witnesses) will not be interviewed. Witness lists should include: a) full name of witness, b) contact email (preferred) or cell phone number and, c) a brief statement describing how the witness was involved/made aware of the allegations. The investigator has the ultimate decision-making authority on what evidence/witnesses are material to the case.

b) Each investigation is handled individually and, therefore, might not follow the exact order outlined above. However, the process will be maintained in every investigation even when the order of interviews is adjusted. Throughout this process, the investigator will typically follow up with parties/witnesses to make additional inquiries as new information is reported.

C. Report/Response – At the culmination of an employee investigation, the investigator will compile all information into an Investigative Report. This report will: identify the allegations reported, outline all parties interviewed and the material information each reported, present all supporting documents submitted and, summarize the findings. Using the Preponderance of the Information standard, one of the following findings will be determined for each allegation:

Substantiated – The information determined through the investigation supports a finding that the Respondent has violated the specified Title IX violation(s); UFHR will likely recommend corrective action in these cases.

Unsubstantiated, Inconclusive – The information determined through the investigation does not allow for the establishment of facts or supported conclusions necessary to render a finding that misconduct occurred (i.e., a lack of information prevents the investigator from making a conclusive finding).

Unsubstantiated, No Misconduct – The information determined through the investigation supports the finding that no violation of Title IX occurred (i.e., sufficient information exists for the investigator to conclude that the alleged misconduct did not occur).

Once the Title IX Investigative Report is reviewed/ finalized, it will be forwarded to the leadership of the Respondent's department/college. If a violation has been identified, the leadership will consult with the Office Employee Relations regarding the report findings to determine the need for appropriate employee action. Copies of the report will also be provided to the Complainant and Respondent. Upon distribution of the finalized report, the Office of Title IX Compliance will no longer be involved in the case and will have no decision-making authority regarding employee action/follow up.

NOTE: Prohibition against Retaliation

The oversight of sexual misconduct guidelines falls under the Office for Accessibility and Gender Equity; this office is responsible for directing/coordinating all aspects of this process through completion of the investigatory report as outlined above.

Retaliation against any person participating in the investigation of a sexual misconduct complaint is strictly prohibited. Any party who suspects retaliation has occurred as a result of an investigation should immediately inform the Investigator, the Title IX Coordinator, and/or their immediate supervisor. Allegations of retaliation or intimidation of anyone involved in the investigative process are taken very seriously by the University and it is entirely possible that retaliation can result in more serious action than the underlying alleged misconduct.

B. Guidelines dictated by Title IX of the Education Amendments Act (Title IX Guidelines)

(Please Note: These guidelines apply only if your incident met the Title IX conditions outlined in Section II of this policy. If not, please refer to Section IV.A.)

Alleged gender Identity Violations may fall under the oversight of Title IX if it meets the definition of “sexual harassment” through Final Rule § 106.30. Furthermore, as defined in Final Rule § 106.30, the investigatory and adjudication process will from here forward be referred to as the ‘Grievance Process’.

1. Violations Defined Under the Title IX Guidelines

Sexual Harassment - Conduct on the basis of sex that satisfies one or more of the following:

- (i) An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- (ii) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution’s education program or activity; or
- (iii) Sexual assault, dating violence, domestic violence, or stalking (as defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a) and listed below).

Sexual Assault - Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. This includes:

- A. *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, without the consent of the victim. This offense includes the rape of both males and females.
- B. *Fondling* – 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 incapacity.
- C. *Incest* – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- D. *Statutory Rape* – Sexual intercourse with a person who is under the statutory age of consent.

Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement 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.

- This includes but is not limited to sexual or physical abuse or the threat of such abuse.
- This does include acts covered under the definition of domestic violence

Domestic Violence - Felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim; or
- by a person whom the victim shares a child in common; or
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; or
- by a partner similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of 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 the jurisdiction in which the crime of violence occurred

Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

- a) 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, a person, or interferes with a person's property.
- b) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- c) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Upon review, alleged sexual-based misconduct that meets the above definition set forth in Final Rule § 106.30 AND meets the elements found in Section II of this Policy, must be addressed through the Title IX Guidelines.

2. Student Process

A. Intake - Once notified of alleged sexual-based misconduct, the Title IX Coordinator communicates with all parties involved to provide supportive measures, whether immediate or throughout the process.

Upon review, the Title IX Coordinator or designee will determine if the complaint received falls under the jurisdiction of Title IX. This complaint must meet the elements found in Section II of this policy, be an official signed document by either the Complainant (a student's parent or legal guardian in some cases), or the Title IX Coordinator.

The Title IX Coordinator will meet with the Complainant and review the grievance process, student rights & responsibilities, available resources, requests for supportive measures, etc. All questions will be answered, and at the culmination of the meeting, the Complainant will choose how they would like to proceed (through the formal grievance process, informal resolution or defer).

If the Complainant decides to move forward with the grievance process, the Title IX Coordinator or designee will then provide both parties written notice of the allegations. The case will then be forwarded through the grievance process and, from this point forward, the Complainant will no longer be able to maintain anonymity. Each party will have an equal opportunity to select an advisor of their choice. This advisor may, but is not required to be, an attorney. It is at the discretion of both parties to acquire an advisor through the initial grievance process, which includes the intake and investigatory stage. Once the adjudication (hearing) process begins, it is required by Final Rule § 106.30, that each party have their own advisor, which they may acquire on their own. This advisor may be the same advisor through the entire grievance process or assist only with the hearing process. If either party doesn't have an advisor at this juncture, the Office of ADA & Title IX Compliance will appoint an advisor to that party before the hearing stage begins. It should

be noted that supportive measures will continue to be provided to all parties in need regardless if the grievance process is pursued or not.

Informal resolution (mediation, restorative justice, no contact order, apology, etc.) is a possible option if both parties are students and the suggested resolution from the Complainant is appropriate. If the Respondent agrees to move forward with the informal resolution being offered, the Title IX Coordinator or designee will oversee this process with both parties. If the Complainant chooses to defer their decision about moving forward, this will be documented, and further action, other than support services, will be discontinued unless the Complainant subsequently decides to move forward.

B. Investigation - If the Complainant requests to pursue the formal grievance process, then the Title IX Coordinator will assign the case to an Investigator and an investigation will begin.

The assigned Investigator will begin by interviewing the Complainant to better understand the allegations and to obtain details of the interactions leading to the alleged violation(s). The Investigator will document all material information reported, accept related documents/materials, as available, and obtain a list of requested witnesses, if any. The Investigator will then interview the Complainant's witnesses to obtain their insight/information on the allegations and collect documentation, as available.

After the Complainant witness interviews conclude, the Investigator will request an interview with the Respondent. During this interview, the specific allegations will be reviewed, the Respondent will be asked to provide their perspective on the matter and answer questions intended to clarify details of the case. The Respondent will also be asked to provide documents/materials, if available, and requested witness contact information, if any. Interviews with the Respondent's witness(es) will occur next and material information will be collected as available.

C. Report/Response - At the culmination of a student investigation, the investigator will compile all information into an Investigative Report. This report will: a) identify the allegations reported, b) outline all parties interviewed and the material information they reported and, c) present all supporting documents submitted as evidence.

After an investigative report is prepared, the school will provide the draft and all evidence obtained to both parties. The Complainant and Respondent will have at least ten (10) days to respond to the evidence in writing. If a response is submitted, it will be considered before finalizing the investigative report.

The finalized investigative report will be provided to both parties and they will be given at least another ten (10) days before a hearing commences.

NOTE: Prohibition against Retaliation

Retaliation against any person participating in the investigation of a sexual misconduct complaint is strictly prohibited. Any party who suspects retaliation has occurred as a result of an investigation should immediately inform the Investigator, the Title IX Coordinator, and/or their immediate supervisor. Allegations of retaliation or intimidation of anyone involved in the investigative process are taken very seriously by the University and it is entirely possible that retaliation can result in more serious action than the underlying alleged misconduct.

D. Hearing Process - A sole Hearing Officer will hear every case. The Hearing Officer will have absolute discretion with respect to administering the hearing. The Hearing Officer will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted. The Hearing Officer will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad

authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or adviser.

Prior to the hearing, the Hearing Officer will be provided with the case file, investigative report, and any responses to the investigative report. The Hearing Officer shall review the case file (including the parties' responses), and ask questions during the hearing as they deem appropriate.

At least five (5) business days prior to the hearing, the parties and their advisers will be notified of the hearing date, time, and location (or relevant electronic information, if the hearing will be conducted remotely).

In advance of the hearing, parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide, such that the Hearing Officer can determine their relevance. The Hearing Officer has the discretion to exclude from the hearing evidence/witnesses/questions deemed irrelevant.

At the Hearing Officer's discretion, pre-hearing meetings may be scheduled with each of the parties and their advisers to explain the hearing protocol.

Standard of Proof

The standard of proof under this policy is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the respondent violated this policy.

Expectations regarding the Complainant, the Respondent, and the Witnesses regarding the Hearing

In all proceedings under this policy, including at the hearing, the complainant, the respondent, and the witnesses and other individuals sharing information are expected to provide truthful information.

If the complainant, the respondent, or a witness informs the University that they will not attend the hearing (or will refuse to be cross-examined), the hearing may proceed, as determined by the University Title IX Coordinator. The Hearing Officer may not, however: (a) rely on any statement or information provided by that non-participating individual in reaching a determination regarding responsibility; or (b) draw any adverse inference in reaching a determination regarding responsibility based solely on the individual's absence from the hearing (or their refusal to be cross-examined).

Each party may make requests related to the format or the nature of their participation in the hearing. The Hearing Officer will accommodate requests by either party for the hearing to occur with the parties located in separate locations with technology enabling the Hearing Officer and the parties to simultaneously see and hear the party answering questions. As appropriate and/or at the discretion of the Hearing Officer, hearings may be conducted in person or by video conference or any other means of communications by which all individuals participating are able to see and hear each other.

Case Presentation

While the hearing is not intended to be a repeat of the investigation, the parties will be provided with an equal opportunity for their advisers to conduct cross examination of the other party and/or of relevant witnesses. A typical hearing may include brief opening remarks by the Hearing Officer; questions posed by the Hearing Officer to one or both

of the parties; questions posed by the Hearing Officer to any relevant witnesses; and cross-examination by either party's adviser of the other party and relevant witnesses.

The parties' advisers will have the opportunity to cross examine the other party (and witnesses, if any). Such cross examination must be conducted directly, orally, and in real time by the party's adviser and never by a party personally. Only relevant cross examination questions may be asked of a party or witness. Before a party or witness answers a cross-examination question that has been posed by a party's adviser, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Other University administrators may attend the hearing at the request of or with the prior approval of the Hearing Officer, but the parties will be notified in advance of anyone else who will be in attendance.

Record of Hearing

The University shall create an official record in the form of a recording or transcript of any live (or remote) hearing and make it available to the parties for inspection and review. Any other record of the hearing or any other recording is prohibited, and violations may result in discipline.

Written Determination

Following the hearing, the Hearing Officer will consider all of the relevant evidence and deliberate regarding responsibility. The Hearing Officer shall make a determination, by a preponderance of the evidence, whether the respondent has violated the policy. The Hearing Officer shall write a written determination, which will contain: (1) the allegations potentially constituting Title IX sexual harassment; (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 (if any), methods used to gather other information, and the hearing); (3) findings of fact supporting the determination; (4) conclusions regarding the application of this policy to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions to be imposed by the Sanction Officer if there has been a finding of responsibility, and whether any remedies designed to restore or preserve equal access to the University's education program or activity or working environment will be implemented; and (6) relevant appeal information for the parties. Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Hearing Officer for inclusion in the written determination.

The parties and their advisers will simultaneously be provided with the written determination via electronic format.

Disciplinary Sanctions and Remedies

If a party is found to have violated this policy, before finalizing the written determination, the Hearing Officer will refer the matter to the appropriate University official(s) to determine sanctions and remedies. Sanctions being imposed will be included in the written determination.

Sanctions will take into account the seriousness of the misconduct as compared to like cases in the past, the respondent's previous disciplinary history (if any), and institutional principles. Remedies, which may include supportive measures, will be designed to restore or preserve equal access to the University's education program or activity. Specifically, sanctions will be set by the following Sanction Officers:

1. If a student is found responsible for violating the policy, the case record (consisting of the case file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be provided to the Dean of Students, who will determine sanctions and remedies in consultation with appropriate University administrators. In the event that the Dean of Students is unavailable, an appropriately trained University official will serve as the substitute. Any sanctions and remedies will be subject to appeal under this policy.

2. If a faculty member or staff is found responsible, the case record (consisting of the case file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be forwarded to the Assistant Vice President for Human Resources, who will determine sanctions and remedies in consultation with appropriate University administrators. In the event that the AVP for Human Resources is unavailable, an appropriately trained University official will serve as the substitute. Any sanctions and remedies will be subject to appeal under this policy.

3. The University will provide appropriate training to University officials with responsibilities under this policy, including the University Title IX Coordinator, employees in the Office of Accessibility and Gender Equity, investigators, and Hearing Officers. Such training will cover the definition of Title IX Sexual Harassment, the scope of the University's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes under this policy, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The University will ensure that Hearing Officers receive training on any technology to be used at a hearing and on issues of relevance of questions and evidence, including questions and evidence about the irrelevancy of complainant's sexual predisposition or prior sexual behavior. The University will ensure that investigators receive training on issues of relevance in order to create an investigative report that fairly summarizes relevant evidence. These training materials are publicly available on the University's Title IX website and will be made available for in-person review upon request.

3. EMPLOYEE PROCESS

A. Intake - Once notified of alleged sexual-based misconduct, the Title IX Coordinator communicates with the all parties involved to provide supportive measures, whether immediate or throughout the process.

Upon review, the Title IX Coordinator or designee will determine if the complaint received falls under the jurisdiction of Title IX. This complaint must meet the elements found in Section II of this policy, be an official document and signed by either the Complainant or the Title IX Coordinator.

The Title IX Coordinator or designee will contact the Complainant to review the process, identify available resources, determine the need for interim measures, etc. All questions will be answered, and at the culmination of the meeting, the Complainant will choose how they would like to proceed (through the formal grievance process or defer). If the Complainant decides to move forward with the grievance process, the Title IX Coordinator or designee will then provide both parties written notice of the allegations. The case will then be forwarded through the grievance process and, from this point forward, the Complainant will no longer be able to maintain anonymity. Each party will have an equal opportunity to select an advisor of their choice. This advisor may, but is not required to be, an attorney. It is at the discretion of both parties to acquire an advisor through the initial grievance process, which includes the intake and investigatory stage. Once the adjudication (hearing) process begins, it is required by Final Rule § 106.30, that each party have their own advisor, which they may acquire on their own. This advisor may be the same advisor through the entire grievance process or assist only with the hearing stage. If either party doesn't have an advisor at this juncture, the Office of ADA & Title IX Compliance will appoint an advisor to that party before the hearing stage begins. It should be noted that supportive measures will continue to be provided to all parties in need regardless if the grievance process is pursued or not. Complainant chooses to defer their decision about moving forward, this will be documented, and

further action, other than support services, will be discontinued unless the Complainant subsequently decides to move forward.

B. Investigation - University regulations require employees to participate in a Title IX investigation when contacted by the Office of Title IX Compliance. Additionally, employees have the duty to cooperate and be honest and are prohibited from withholding information, impairing or obstructing the process. Failure to comply with these guidelines could result in disciplinary action.

If the Complainant requests to pursue the formal grievance process, then the Title IX Coordinator will assign the case to an Investigator and an investigation will begin.

The Investigator will interview the Complainant to better understand the allegations and obtain details of the interactions leading to the alleged violation(s). This information will be documented, and any related documents/materials or list of witnesses will be accepted.

The Investigator will then interview the Complainant's witnesses to obtain their insight/information on the allegations and collect documentation as available.

After the Complainant witness interviews conclude, the Investigator will contact the Respondent to arrange an interview. During this interview, the specific allegations will be reviewed, the Respondent will be asked to provide their perspective on the matter and to answer questions intended to clarify details of the case. The Respondent will also be asked to provide related documents/materials, if available, and requested witness contact information, if any. Interviews with the Respondent's witnesses will occur next and material information will be collected as available.

3. Report/Response - At the culmination of an employee investigation, the investigator will compile all information into an Investigative Report. This report will: a) identify the allegations reported, b) outline all parties interviewed and the material information each reported, c) present all supporting documents submitted.

After an investigative report is prepared, the school will provide the draft and all evidence obtained to both parties. The Complainant and Respondent will have at least ten (10) days to respond to the evidence in writing. If a response is submitted, it will be considered before finalizing the investigative report.

The finalized investigative report will be provided to both parties and they will be given at least another ten (10) days before any determination of responsibility is made or ten (10) days before a hearing commences.

Retaliation against any person participating in the investigation of a sexual misconduct complaint is strictly prohibited. Any party who suspects retaliation has occurred as a result of an investigation should immediately inform the Investigator, the Title IX Coordinator, and/or their immediate supervisor. Allegations of retaliation or intimidation of anyone involved in the investigative process are taken very seriously by the University and it is entirely possible that retaliation can result in more serious action than the underlying alleged misconduct.

C. Hearing Process

A sole Hearing Officer will hear every case. The Hearing Officer will be external. The university has selected the River Phoenix Center for Peacebuilding to serve as the Hearing Officer.

The Hearing Officer will have absolute discretion with respect to administering the hearing. The Hearing Officer will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of

relevant evidence and witnesses will always be permitted. The Hearing Officer will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or adviser.

Prior to the hearing, the Hearing Officer will be provided with the case file, investigative report, and any responses to the investigative report. The Hearing Officer shall review the case file (including the parties' responses), and ask questions during the hearing as they deem appropriate.

At least five (5) business days prior to the hearing, the parties and their advisers will be notified of the hearing date, time, and location (or relevant electronic information, if the hearing will be conducted remotely).

In advance of the hearing, parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide, such that the Hearing Officer can determine their relevance. The Hearing Officer has the discretion to exclude from the hearing evidence/witnesses/questions deemed irrelevant.

At the Hearing Officer's discretion, pre-hearing meetings may be scheduled with each of the parties and their advisers to explain the hearing protocol.

Standard of Proof

The standard of proof under this policy is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the respondent violated this policy.

Expectations regarding the Complainant, the Respondent, and the Witnesses regarding the Hearing

In all proceedings under this policy, including at the hearing, the complainant, the respondent, and the witnesses and other individuals sharing information are expected to provide truthful information.

If the complainant, the respondent, or a witness informs the University that they will not attend the hearing (or will refuse to be cross-examined), the hearing may proceed, as determined by the University Title IX Coordinator. The Hearing Officer may not, however: (a) rely on any statement or information provided by that non-participating individual in reaching a determination regarding responsibility; or (b) draw any adverse inference in reaching a determination regarding responsibility based solely on the individual's absence from the hearing (or their refusal to be cross-examined).

Each party may make requests related to the format or the nature of their participation in the hearing. The Hearing Officer will accommodate requests by either party for the hearing to occur with the parties located in separate locations with technology enabling the Hearing Officer and the parties to simultaneously see and hear the party answering questions. As appropriate and/or at the discretion of the Hearing Officer, hearings may be conducted in person or by video conference or any other means of communications by which all individuals participating are able to see and hear each other.

Case Presentation

While the hearing is not intended to be a repeat of the investigation, the parties will be provided with an equal opportunity for their advisers to conduct cross examination of the other party and/or of relevant witnesses. A typical hearing may include brief opening remarks by the Hearing Officer; questions posed by the Hearing Officer to one or both

of the parties; questions posed by the Hearing Officer to any relevant witnesses; and cross-examination by either party's adviser of the other party and relevant witnesses.

The parties' advisers will have the opportunity to cross examine the other party (and witnesses, if any). Such cross examination must be conducted directly, orally, and in real time by the party's adviser and never by a party personally. Only relevant cross examination questions may be asked of a party or witness. Before a party or witness answers a cross-examination question that has been posed by a party's adviser, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Other University administrators may attend the hearing at the request of or with the prior approval of the Hearing Officer, but the parties will be notified in advance of anyone else who will be in attendance.

Record of Hearing

The University shall create an official record in the form of a recording or transcript of any live (or remote) hearing and make it available to the parties for inspection and review. Any other record of the hearing or any other recording is prohibited, and violations may result in discipline.

Written Determination

Following the hearing, the Hearing Officer will consider all of the relevant evidence and deliberate regarding responsibility. The Hearing Officer shall make a determination, by a preponderance of the evidence, whether the respondent has violated the policy. The Hearing Officer shall write a written determination, which will contain: (1) the allegations potentially constituting Title IX sexual harassment; (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 (if any), methods used to gather other information, and the hearing); (3) findings of fact supporting the determination; (4) conclusions regarding the application of this policy to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions to be imposed by the Sanction Officer if there has been a finding of responsibility, and whether any remedies designed to restore or preserve equal access to the University's education program or activity or working environment will be implemented; and (6) relevant appeal information for the parties. Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Hearing Officer for inclusion in the written determination.

The parties and their advisers will simultaneously be provided with the written determination via electronic format.

Disciplinary Sanctions and Remedies (to be included in the Written Determination)

If a party is found to have violated this policy, before finalizing the written determination, the Hearing Officer will refer the matter to the appropriate University official(s) to determine sanctions and remedies. Sanctions being imposed will be included in the written determination.

Sanctions will take into account the seriousness of the misconduct as compared to like cases in the past, the respondent's previous disciplinary history (if any), and institutional principles. Remedies, which may include supportive measures, will be designed to restore or preserve equal access to the University's education program or activity. Specifically, sanctions will be set by the following Sanction Officers:

If a faculty member or staff is found responsible, the case record (consisting of the case file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be forwarded to the Assistant Vice President for Human Resources, who will determine sanctions and remedies in consultation with appropriate University administrators. In the event that the AVP for Human Resources is unavailable, an appropriately trained University official will serve as the substitute. Any sanctions and remedies will be included in the Hearing Officer's written determination, and sanctions will be subject to appeal under this policy.

Training

The University will provide appropriate training to University officials with responsibilities under this policy, including the University Title IX Coordinator, employees in the Office, investigators, and Hearing Officers. Such training will cover the definition of Title IX Sexual Harassment, the scope of the University's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes under this policy, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The University will ensure that Hearing Officers receive training on any technology to be used at a hearing and on issues of relevance of questions and evidence, including questions and evidence about the irrelevancy of complainant's sexual predisposition or prior sexual behavior. The University will ensure that investigators receive training on issues of relevance in order to create an investigative report that fairly summarizes relevant evidence. These training materials are publicly available on the University's Title IX website and will be made available for in-person review upon request.

In the event the employee is a member of the United Faculty of Florida, this notification will be made in writing as outlined in Article 11.3(a)(2) of the 'Collective Bargaining Agreement'.

VI. Support & Resources

Confidential Resources

Office of Victim Services

- Website: <http://www.police.ufl.edu/victim-services/>
- Location: 1515 Museum Road, P.O. Box 112150 Gainesville, FL 32611-2150
- Phone #: 352-392-5648 (Mon-Fri, 8:00am-5:00pm)
- Phone #: 352-392-1111 (after business hours and on weekends)
- Email: ovs@mail.ufl.edu

Counseling & Wellness Center

- Website: <http://www.counseling.ufl.edu/cwc/>
- Location: 3190 Radio Road, PO Box 112662 Gainesville, FL 32611-2662
- Phone #: (352)-392-1575

Crisis and Emergency Resource Center (CERC)

- Website: <http://www.counseling.ufl.edu/services/crisis/>
- Phone #: (352)-392-1575

Employee Assistance Program (UF EAP)

- Website: guidancerecources.com
- App: GuidanceNow
- Web ID #: UFEAP
- Phone #: 833-306-0103

Other Resources

STRIVE at GatorWell Interpersonal Violence Prevention Training

- Website: <http://gatorwell.ufsa.ufl.edu/programs/strive#TakeBackTheNight>
- Location: 655 Reitz Union Dr. Suite 1100 Gainesville, FL 32611
- Phone #: 352-273-4450
- Email #: <http://gatorwell.ufsa.ufl.edu/contact>

Human Resource Services

- Website: <https://www.hr.ufl.edu/>
- Location: 903 West University Avenue Gainesville, FL 32601
- Phone #: 352-392-2477

Dean of Students – Student Conduct and Conflict Resolution

- Website: <https://www.dso.ufl.edu/sccr>
- Location: 202 Peabody Hall, P.O. Box 114075 Gainesville, FL 32611
- Phone #: 352-392-1261

Dean of Students – Disability Resource Center

- Website: <https://drc.dso.ufl.edu/>
- Location: 001 Reid Hall
- Mailing Address: 1316 Museum Road, P.O. Box 114085 Gainesville, FL 32611

- Phone #: 352-392-8565
- Email: accessUF@dso.ufl.edu

Student Health Care Center

Website: <http://shcc.ufl.edu/>

- Main Campus:
 - o Location: Infirmary Building, 280 Fletcher Drive
 - o Phone #: 352-392-1161
- SHCC @ Shands:
 - o Location: Health Science Center, Dental Towers, 2nd Floor, Room D2-49
 - o Phone #: 352-294-5700

UMatter We Care

- Website: <http://www.umatter.ufl.edu/>
- Email: umatter@ufl.edu
- Location: 2nd Floor, Peabody Hall
- Phone #: 294-CARE (2273)

VII. Related Policies/Information

- **Title IX of the Education Amendments Act of 1972** – No person in the United States shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.
- **Prohibited Consensual Relationships** – University of Florida requires faculty to adhere to their proper role as teacher, researcher, intellectual mentor and counselor and not engage in conduct that calls into question the integrity of the evaluative or other academic processes related to students. Additionally, faculty must refrain from exploiting or coercing students or creating the appearance of exploitation or coercion. Regulation 1.0065 of the University of Florida identifies those romantic or sexual relationships between faculty and students that are prohibited.
- **Breastfeeding in the Workplace** – The University of Florida supports and encourages breastfeeding for nursing mothers upon their return to work. Supervisors of such employees are responsible for making appropriate accommodations to allow employees the flexibility and privacy to express (pump) breastmilk, as needed.

- **Workplace Violence** – The University of Florida is committed to creating and maintaining an environment that is safe and free from violence. To foster a positive working and learning environment, UF prioritizes the physical safety of anyone engaged in UF activities. University employees share the responsibility and are expected to maintain conduct that does not incite acts of violence, threats, and aggression.

VIII. Further Assistance

Contact information for Office for Accessibility & Gender Equity which coordinates Title IX at the university and to OCR. For further information or clarification regarding these guidelines or any other Sexual Misconduct related issues, contact:

University of Florida Title IX Coordinator:

Dr. Russell Froman, J.D.

Assistant Vice President for Accessibility & Gender Equity

427 Yon Hall | 1908 Stadium Road

PO Box 112085

Gainesville, FL 32611

Office: (352) 275-1242 Fax: (352) 392-5268

rfroman@ufl.edu | inform@titleix.ufl.edu | <https://www.titleix.ufl.edu>

Office for Civil Rights

Headquarters:

U.S. Department of Health and Human Services

200 Independence Avenue, S.W.

Room 509F HHH Bldg.

Washington, D.C. 20201

Regional Office:

U.S. Department of Health and Human Services

Sam Nunn Atlanta Federal Center, Suite 16T70

61 Forsyth Street, S.W.

Atlanta, GA 30303-8909