UNIVERSITY OF FLORIDA
INTERIM¹ TITLE IX SEXUAL HARASSMENT POLICY

1. 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, volunteers and visitors from any form of discrimination or unwelcome conduct on the basis of sex, including sexual orientation and gender identity. These behaviors will not be tolerated at the University and any individual who engages in such conduct will be subject to disciplinary action.

This Interim Title IX Sexual Harassment Policy (the “Policy”) and its associated procedures are designed to ensure a safe and non-discriminatory educational and work environment and to meet the legal requirements set forth in the U.S. Department of Education’s Final Rule under Title IX of the Education Amendments of 1972. The adoption of this Policy does not preclude application or enforcement of other University Regulations or policies.

Conduct that does not fall under the jurisdiction of this Policy may still constitute sexual misconduct that is incompatible with the University’s standards and may be addressed by the University’s Sexual Misconduct Policy² or University of Florida Regulation 4.040 Student Honor Code and Conduct Code³.

2. POLICY JURISDICTION

This Policy applies to Prohibited Conduct, defined below, that is committed against a person in the United States by students, faculty, staff, University appointees, or third-Party affiliates who have Formal (including contractual) relationships with the University community, whenever the conduct occurs:

- On University property; or
- Off University property, if the conduct was in connection with a University or University recognized program or activity which includes locations, events, or circumstances over which the University exercised substantial control over both the person accused of the conduct and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

Pursuant to guidance from the U.S. Department of Education, the scope of this Policy is limited to Prohibited Conduct alleged to have occurred on or after August 14, 2020. Allegations of Prohibited

¹ This Interim Title IX Sexual Harassment Policy is provisional in nature and may be subject to future amendment.
² Employee and volunteer misconduct falling outside the jurisdiction of this Policy is managed by Employee Relations.
³ Student misconduct falling outside the jurisdiction of this Policy is managed by the Office of Student Conduct and Conflict Resolution.
Conduct occurring prior to this date will be subject to the University policy in place at the time of the alleged incident.

The Office for Accessibility and Gender Equity is responsible for overseeing the process by which the University of Florida addresses allegations of Prohibited Conduct; this process has no relationship to the criminal justice system and will not result in an arrest or incarceration. 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 University’s ultimate goal pursuant to this Policy is to eliminate the unwanted, unlawful behavior, prevent its recurrence and address its effect on the Complainant and the University community.

3. DEFINITIONS

The following definitions clarify key terminology used in this policy.

3.1. Complainant refers to the individual(s) who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.

3.2. Formal Complaint refers to a document filed by a complainant (meaning a document or electronic submission (such as by electronic mail) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the individual filing the Formal Complaint) alleging Title IX Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Title IX Sexual Harassment. At the time of filing a Formal Complaint, a complainant must be participating in or attempting to participate in the education program or activity of the University. A Formal Complaint may be filed with the University Sexual Misconduct/Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information provided in this policy, and by any additional method identified in this policy.

3.3. Formal Complaint may also refer to a document signed by the University Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent. Where the University Sexual Misconduct/Title IX Coordinator signs a Formal Complaint, the University Sexual Misconduct/Title IX Coordinator is not a complainant or otherwise a Party.

3.4. Party or Parties refer to the Complainant(s) and the Respondent(s).

3.5. Report refers to information brought to the attention of an Official with Authority alleging conduct prohibited under this policy; a Report is not considered to be a Formal Complaint. A Party may bring a Report and then subsequently file a Formal Complaint.

3.6. Respondent refers to the individual(s) who has been alleged to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

3.7. Supportive Measures refers to Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to parties before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the university’s education programs or
activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the university’s educational and work environment or deter conduct prohibited under the policy.

4. PROHIBITED CONDUCT

Title IX Prohibited Conduct includes the following specifically defined forms of alleged conduct—Quid Pro Quo Harassment (Employee-Student), Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking—where the conduct occurred within the jurisdiction of this Policy.

4.1. Quid Pro Quo Harassment: 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;

4.2. Sexual Harassment: Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the University’s education program or activity;

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

   4.3.1. Rape: 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;

   4.3.2. 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 their age or because of their temporary or permanent mental or physical incapacity;

   4.3.3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or

   4.3.4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

4.4. Domestic Violence: A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by an individual with whom the victim shares a child in common; (c) by an individual who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred; (e) by any other individual against an adult or youth victim who is protected from that individual’s acts under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred.

4.5. Dating Violence: Violence committed by an individual 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 individual’s statement and with consideration of the length
of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. This includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

4.6. **Stalking**: Engaging in a course of conduct directed at a specific individual that would cause a reasonable person to: (a) fear for the individual’s safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of the Stalking definition: Course of conduct means two or more acts, including acts in which the stalker directly, indirectly, or through third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual’s property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Retaliation under this policy: No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy or because an individual has made a Report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Any individual who makes a materially false statement in bad faith during the course of an investigation, proceeding, or hearing under this policy, may be subject to disciplinary action.

5. **REPORTING MECHANISMS/DECISIONS**

A wide variety of options are available to assist those who have experienced sexual harassment, including sexual violence. The first step for individuals considering whether to make a Report is to decide if they want to seek out confidential support and stop there, or officially report the alleged violation. Should an individual report 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). However, the University may continue to investigate if it believes that a threat to the safety and security of the community exists.

5.1. **Confidential Resources**

Confidential Resources are available to provide individuals with assistance, support, and additional information and are prohibited from disclosing confidential information unless: (1) given consent by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order. Confidential Resources may be required to report non-identifying information for crime reporting purposes.

• Counseling & Wellness Center (CWC): [http://www.counseling.ufl.edu/cwc/](http://www.counseling.ufl.edu/cwc/)

5.2. Non-Confidential Reporting

Non-Confidential Resources are also available to provide individuals with assistance, support, and additional information, but may have broader obligations to report information that is shared with them. Non-Confidential Resources will make reasonable efforts to respect and safeguard the privacy of the individuals involved. To this end, concerns about Prohibited Conduct will only be shared with University representatives responsible for assessment, investigation, or resolution of the Report or otherwise properly responding to issues raised, and to the extent required by law or court order.

- Reporting Form: [https://titleix.ufl.edu/make-a-report/](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

Once notified of an allegation of sexual harassment, the Office for Accessibility and Gender Equity 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.

5.3. Timeframe for Filing Formal Complaints

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the University’s ability to respond promptly and effectively. Reports and Formal Complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the Respondent is no longer a student or employee at the time of the Report or Formal Complaint, the University may not be in a position to gather evidence sufficient to reach a determination as to the Formal Complaint and/or the University may not be able to take disciplinary action against the Respondent. However, the University will still seek to provide support for the Complainant and seek to take steps to end the Prohibited Conduct, prevent its recurrence, and address its effects.

5.4. Amnesty in Reporting

The University community encourages the reporting of Prohibited Conduct. Parties or witnesses may be hesitant to report Prohibited Conduct or participate in an investigation because they fear that they themselves may be in violation of certain policies, such as underage drinking or illicit drug use at the time of the incident. To encourage reporting under this Policy and participation in the investigation process,
the University will not pursue disciplinary action against Complainants, Respondents, or witnesses for disclosure of minor policy violations—such as illegal personal consumption of drugs or alcohol—where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct. This provision does not apply to more serious allegations such as physical abuse of another or illicit drug or alcohol distribution that contributed to the commission of a policy violation.

5.5. Presumption of Non-Responsibility

A Respondent identified in a Formal Complaint is presumed to be not responsible for the alleged misconduct unless and until the Respondent is determined, by a preponderance of the evidence, to have violated the policy.

6. GRIEVANCE PROCEDURES

The specific investigative and disciplinary procedures for Prohibited Conduct under this policy are based on the relationship of the Respondent to the University.

6.1. Complaints Against Students

6.1.1. 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.

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator at the following link: https://titleix.ufl.edu/report/.

The Title IX Coordinator will meet with the Complainant and review the grievance process, student rights & responsibilities, available resources, requests for supportive measures, and more. The Complainant will have the opportunity to ask questions and, at the culmination of the meeting, the Complainant will choose how they would like to proceed (through the 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 progress 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 retain an advisor through the initial grievance process, which includes the intake and investigatory stage. Once the hearing stage 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 is without an advisor at the hearing stage, the Office for Accessibility and Gender Equity will appoint an advisor for that Party before the hearing stage begins. Supportive measures will continue for all Parties in need regardless if the grievance process is pursued or not.
Informal resolution (mediation, restorative justice, no contact order, apology, etc.) is an option if both Parties are students and the suggested resolution from the Complainant is appropriate. If the Respondent gives voluntary, informed, written consent to attempt informal resolution, the Title IX Coordinator or designee will oversee this process with both Parties. 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. 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.

6.1.2. 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.

6.1.2.1. Presumption of Non-Responsibility.

The investigation is a neutral fact gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the Decision Maker concludes that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the Respondent violated this Policy.

6.1.2.2. Timeframe for Resolution.

The university will make a good faith effort to complete the grievance process within one hundred twenty (120) business days, including appeal. This timeframe may be temporarily delayed or extended for good cause, with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, the absence of a Party, a Party’s adviser, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of a disability, initiation of the informal resolution process; or the complexities of a case (including the number of witnesses and volume of information provided by the Parties).

6.1.2.3. Commencement of the Investigation.

The assigned Investigator will begin by interviewing the Complainant regarding the allegations. The Investigator will document all material information reported, accept related documents/materials, as available, and obtain a list of witnesses, if any. The Investigator will then interview the witnesses to obtain their observations and other information related to the allegations, and collect documentation, as available.

After the 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. The Respondent will also be asked to provide documents/materials, if available, and witness contact information, if any. Interviews with the witness(es) will occur next and material information will be collected as available.
6.1.3. 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 individuals interviewed and the material information they reported and, c) present all supporting documents submitted as evidence.

After an investigative Report is prepared, the draft and all evidence obtained will be made available for both Parties to review. The Complainant and Respondent will have at least ten (10) days to respond to the Report in writing.

The finalized investigative Report will be provided to both Parties at least ten (10) days prior to the hearing.

**NOTE: Prohibition against Retaliation**

Retaliation against any person participating in the investigation of a sexual misconduct Complaint is strictly prohibited. Any person who suspects retaliation has occurred as a result of an investigation should immediately inform the Investigator, the Title IX Coordinator, or their immediate supervisor. Allegations of retaliation or intimidation of any person participating in the investigative process are taken very seriously by the University and may result in conduct charges for students or disciplinary action for employees responsible.

6.1.4. Hearing Process

An individual 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 and, therefore, admissible. The Hearing Officer will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive behaviors, including adjourning the hearing or excluding the disruptive individual, including a Party, witness, or adviser.

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 requested to be called at the hearing, as well as to provide a brief written explanation of the information each witness will be asked to provide, such that the Hearing Officer can determine the relevance of each witness’s testimony. The Hearing Officer has the discretion to exclude from the hearing evidence, witnesses, and questions deemed irrelevant.

At the Hearing Officer’s discretion, pre-hearing meetings may be scheduled with each Party and their advisers to explain the hearing process.

6.1.5. Standard of Evidence
The standard of evidence that will apply under this Policy is the Preponderance of the Evidence standard. “Preponderance of the Evidence” means that the evidence presented supports the finding that it is more likely than not that the Respondent violated this policy.

6.1.6. **Expectations regarding the Complainant, the Respondent, and the Witnesses throughout the Hearing**

At all times during the Title IX process under this policy, including the hearing, the Complainant, Respondent, witnesses and other individuals sharing information are expected and required 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.

6.1.7. **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 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.

6.1.8. **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.
6.1.9. Written Determination

Following the hearing, the Hearing Officer will consider all of the relevant evidence and deliberate regarding responsibility. The Hearing Officer shall determine, by a preponderance of the evidence, whether the Respondent has violated the policy. The Hearing Officer shall provide a written determination, which will contain:

1. the allegations of 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 written determination will be sent simultaneously to the Parties along with information about how to file an appeal.

6.1.10. Appeals

Either Party may appeal a determination regarding responsibility or the University’s dismissal of a Formal Complaint or any allegations therein, on the following bases:

- **Procedural irregularity that affected the outcome of the matter.** The appeal must specify the procedural provision(s) that were violated and how it affected the outcome of the Formal Complaint. Procedural or technical irregularities will not be sufficient to sustain an appeal unless found to have affected the outcome of the Formal Complaint.

- **Newly discovered evidence that could affect the outcome of the matter.** An appeal on this basis is limited to new evidence that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the Formal Complaint.

- **University personnel had a conflict of interest or bias, that affected the outcome of the matter.** The appeal must specify the basis on which the Party believes the Title IX Coordinator, Investigator(s) or Decision Maker had an actual conflict of interest or bias and how it affected the outcome of the Formal Complaint.
### 6.1.11. 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 consider 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 or designee, who will determine sanctions and remedies in consultation with appropriate University administrators. 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 or designee, who will determine sanctions and remedies in consultation with appropriate University administrators. 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 and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

### 6.2. Employee Process

#### 6.2.1. 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.

If the alleged sexual-based misconduct meets the conditions found in Section II of this policy, then a Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator at the following link: https://titleix.ufl.edu/report/.

The Title IX Coordinator or designee will contact the Complainant to review the process, identify available resources, determine the need for supportive measures, and more. The Complainant will have the opportunity to ask questions, 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 progress 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 retain an advisor through the initial grievance process, which includes the intake and investigatory stage. Once the hearing stage 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 is without an advisor at this stage, the Office for Accessibility and Gender Equity will appoint an advisor to that Party before the hearing stage begins. Supportive measures will continue for 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.

6.2.2. Investigation

University regulations require employees to participate in a Title IX investigation when contacted by the Office for Accessibility and Gender Equity. 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.

6.2.2.1. Presumption of Non-Responsibility.

The investigation is a neutral fact gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the Decision Maker concludes that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the Respondent violated this Policy.

6.2.2.2. Timeframe for Resolution.

The university will make a good faith effort to complete the grievance process within one hundred twenty (120) business days, including appeal. This timeframe may be temporarily delayed or extended for good cause, with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, the absence of a Party, a Party’s adviser, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of a disability, initiation of the informal resolution process; or the complexities of a case (including the number of witnesses and volume of information provided by the Parties).

6.2.2.3. Commencement of the 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 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.

6.2.3. 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 individuals interviewed and the material information each reported, c) present all supporting documents submitted.

After an investigative Report is prepared, the draft and all evidence obtained will be made available to both Parties to review. The Complainant and Respondent will have at least ten (10) days to respond to the Report in writing.

The finalized investigative Report will be provided to both Parties at least ten (10) days prior to any determination of responsibility is made or ten a hearing commences.

Retaliation against any person participating in the investigation of a sexual misconduct Complaint is strictly prohibited. Any person 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 any person participating in the investigative process are taken very seriously by the University and may result in conduct charges for students or disciplinary action for employees responsible.

6.2.4. Hearing Process

An individual 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 the case file, including the investigative Report, and any responses to the investigative Report. The Hearing Officer shall review the case file 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 requested to be called at the hearing, as well as to provide a brief written explanation of the information each witness will be asked to provide, such that the Hearing Officer can determine the relevance of each witness’s testimony. 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.

**6.2.5. Standard of Evidence**

The standard of evidence that will apply under this Policy is the Preponderance of the Evidence standard. “Preponderance of the Evidence” means that the evidence presented supports the finding that it is more likely than not that the Respondent violated this policy.

**6.2.6. Expectations regarding the Complainant, the Respondent, and the Witnesses regarding the Hearing**

At all times under the Title IX process of this policy including at the hearing, the Complainant, Respondent, and 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.

**6.2.7. 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 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.

**6.2.8. 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.

6.2.9. Written Determination

Following the hearing, the Hearing Officer will consider all the relevant evidence and deliberate regarding responsibility. The Hearing Officer shall determine, 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.

6.2.10. Appeals

Either Party may appeal a determination regarding responsibility or the University’s dismissal of a Formal Complaint or any allegations therein, on the following bases:

- **Procedural irregularity that affected the outcome of the matter.** The appeal must specify the procedural provision(s) that were violated and how it affected the outcome of the Formal Complaint. Procedural or technical irregularities will not be sufficient to sustain an appeal unless found to have affected the outcome of the Formal Complaint.

- **Newly discovered evidence that could affect the outcome of the matter.** An appeal on this basis is limited to new evidence that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the Formal Complaint.

- **University personnel had a conflict of interest or bias, that affected the outcome of the matter.** The appeal must specify the basis on which the Party believes the Title IX
Coordinator, Investigator(s) or Decision Maker had an actual conflict of interest or bias and how it affected the outcome of the Formal Complaint.

6.2.11. **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. 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 (“AVP”) 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.

7. **Training**

The University will provide annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability. This training will be provided to the University Title IX Coordinator, employees in the Office for Accessibility and Gender Equity, investigators, Hearing Officers, and those who oversee the appeals process. The University will ensure that Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process receive training on the definition of 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, as applicable; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

8. **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/scrr
• 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.

• **The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act)** – Law enacted in 1990 which is subsumed within the Higher Education Opportunity Act. The goal of this federal law is to ensure that students, prospective students, parents and employees have access to accurate information about crimes committed on campuses, campus security, sex offense prevention, and VAWA campus proceeding procedures and information. The spirit of the Clery Act is transparency; schools must inform employees, students, parents, and potential students and employees of crimes that are occurring on or around university campuses, as well as what institutions are doing to prevent crimes from occurring and to make campuses safer, and so that they can make informed education and employment decisions. Codified at 20 U.S.C. § 1232g; 34 C.F.R. Part 99, 20 U.S.C. § 1092(f)(8) and 34 C.F.R. § 668.46(b)(11), 20 U.S.C. § 1092(f), 20 U.S.C. § 1000, et seq., 42 U.S.C. § 13925(a).

• **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 to the Office for Accessibility and Gender Equity and to OCR
For further information or clarification regarding these guidelines or any other Sexual Misconduct related issues, contact the University’s Title IX Coordinator:

Dr. Russell Froman, J.D.
Assistant Vice President for Accessibility and Gender Equity
Title IX and ADA Coordinator
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