

Draft University of Florida Gender Equity Policy

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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 identity, 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 forms of behavior will not be tolerated at the University and any individual who engages in such conduct will be subject to disciplinary action.

This Gender Equity Policy and its associated guidelines and 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 Title IX Amendments of 1972. This policy identifies the 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, volunteering, 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 AND 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 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

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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 VI.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 VI.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 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 result in separate outcomes. The University's ultimate goal pursuant to this policy is to eliminate the unwanted and/or unlawful behavior, prevent its recurrence, and address its effects on the Complainant and the University community.

III. DEFINITIONS

The following definitions clarify key terminology used in this policy.

Advisor – A person whom Complainants and Respondents are entitled to have with them anytime they participate in the investigation and resolution process who is there to provide support throughout the process. The Advisor may observe the proceedings and provide guidance to their party. In hearings, the Advisor conducts cross-examination on behalf of the Complainant or the Respondent.

Complainant - The individual(s) who is alleged to be the victim of conduct that could constitute prohibited conduct under this policy.

Equity - Recognizing individuals of all races, ethnicities, genders and other identities as individuals—not as representatives of a societally-defined group—and enabling all individuals to start on equal footing to compete for benefits, resources and opportunities. People of all races, ethnicities and genders may face enormous challenges and work extraordinarily hard to realize their promise and aspirations—and all those who overcome challenges should be recognized for that accomplishment. However, due to longstanding and deeply embedded inequities in American society based on race, ethnicity and gender, treating everyone “equally” or through “color or gender blind” eyes is inequitable. That is because people of some identities must face the challenges of life—whatever they are—bearing the additional burden of racism, sexism, or both, and others do not. Equity is an aim that requires remedial action—including elevating truths and understanding of inequities and taking action to disrupt inequities that target individuals based on group stereotypes and identity. Federal law generally prohibits

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consideration of individuals' race, ethnicity, and gender to address general societal inequities; although other court-labeled "neutral" action (see below) may be taken to address these harms.

Formal Complaint - 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 misconduct against a Respondent and requesting that the University investigate the allegation of prohibited conduct. 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 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. Formal Complaint also refer to a document signed by the University Title IX Coordinator alleging misconduct against a Respondent. Where the University Title IX Coordinator signs a Formal Complaint, the University Title IX Coordinator is not a Complainant or otherwise a Party.

Investigative Report – The report that is generated at the conclusion of an investigation into allegations of prohibited conduct which violated this policy.

Officials with Authority – An employee of the University who has the ability to implement corrective measures on behalf of the institution. Officials with authority must report gender equity violations to the Title IX Coordinator or their deputies. The obligation to report applies whenever an Official with Authority receives, in the course and scope of employment, information about the alleged misconduct and policy violation. The report must include all information known to the employee that would be relevant to an investigation or redress of the incident, including whether the alleged victim has expressed a desire for confidentiality.

Party or Parties - The Complainant(s) and the Respondent(s).

Preponderance of Evidence - The standard of evidence that applies under this policy, which means that the evidence presented supports the finding that it is more likely than not that the Respondent violated this policy.

Report - 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.

Respondent - The individual(s) who has been alleged to be the perpetrator of conduct that could constitute prohibited conduct under this policy.

Substantiated – The information gathered through the investigation supports a finding that the Respondent has violated this policy.

Supportive Measures - 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

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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.

Unsubstantiated, Inconclusive – The information gathered 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 gathered through the investigation supports the finding that no violation of the policy occurred (i.e., sufficient information exists for the investigator to conclude that the alleged misconduct did not occur).

IV. PROHIBITED CONDUCT

University Prohibited Conduct

Includes the following specifically defined forms of alleged conduct—Gender-Based Harassment, Intimate Partner Violence, Non-Consensual Intimate Touching, Non-Consensual Sexual Penetration, Pregnancy Discrimination, Sexual Exploitation, Sexual Harassment, Stalking/Cyberstalking, and Retaliation—where the conduct occurred within the jurisdiction of this policy.

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, gender identity, and 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 at the University.

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

Non-Consensual Sexual Touching – Any unwelcome intentional sexual 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, without the consent of the other person or in circumstances in which the person is unable, due to incapacitation, to give consent.

Pregnancy Discrimination – Unjust or prejudicial treatment on the basis of pregnancy or parental status. The University and Title IX prohibit discrimination based on pregnancy or parental status and require that these students and employees receive equitable treatment (e.g., allowances for continued

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participation in classes and 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.).

Sexual Assault (UF Guidelines Only) – 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, fondling, and oral copulation and intimate partner violence.

Please note that the Title IX definition of sexual assault is more specific. All instances of sexual harassment are addressed in the UF Gender Equity Policy through procedures that ensure adherence to both the Title IX regulations and the University's efforts to address all sexual-based misconduct and relationship violence.

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 their consent and/or the consent of the recipient, and knowingly exposing another to a sexually transmitted infection/disease without their knowledge/consent.

Sexual Harassment (UF 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.

Please note that the Title IX definition of sexual harassment is more specific. All instances of sexual harassment are addressed in the UF Gender Equity Policy through procedures that ensure adherence to both the Title IX regulations and the University's efforts to address all sexual-based misconduct and relationship violence.

Stalking/Cyberstalking – Multiple, unwelcome acts directed at a specific person that (by a reasonable person's standard) cause that individual to fear for their (or others') safety and cause them 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 personal property.

Retaliation - 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.

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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.

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.

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;

Sexual Harassment (Title IX Guidelines Only) - 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;

Sexual Assault (Title IX Guidelines Only) - 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:

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;

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;

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

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

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.

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,

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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.

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.

V. REPORTING MECHANISMS AND OPTIONS

A wide variety of options are available to assist those who have experienced gender or sexual-based discrimination, harassment, and interpersonal 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 prohibited conduct, **they will not be required to move forward with an investigation if that is not desired** (see Section VI.B. for 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.

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. The following Confidential Resources are available at the University:

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

Non-Confidential Reporting

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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. The following Non-Confidential Resources are available at the University:

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

Once notified of an allegation of a gender equity policy violation, the Office for Accessibility and Gender Equity communicates with the Parties involved to provide 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 or their designee will assist and oversee the implementation of these measures.

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.

Timeline for Adjudicating Complaints

The University will make a good faith effort to complete the grievance process within one hundred twenty (120) business days of a formal complaint being filed, 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 advisor, or a witness; concurrent law enforcement activity; the need for language assistance or

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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).

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.

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.

VI. PROCESSES AND PROCEDURES

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

(Please Note: If an incident meets the Title IX conditions outlined in Section II of this policy, the following guidelines do NOT apply; please [refer to Section VI.B.](#))

1. [Violations Defined Under Section IV – University Prohibited Conduct](#)

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, gender identity, and 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, partnered, or other intimate relationship). Intimate Partner Violence includes (but is not limited to): assault, stalking, kidnapping, psychological abuse, manipulation/coercion.

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Non-Consensual Sexual Touching – Any unwelcome intentional sexual 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, without the consent of the other person or in circumstances in which the person is unable, due to incapacitation, to give consent.

Pregnancy Discrimination – Unjust or prejudicial treatment on the basis of pregnancy or parental status. UF and Title IX prohibit the discrimination based on pregnancy or parental status and requires that these students and employees receive equitable treatment (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.).

Retaliation – Any adverse action or behavior (or attempted adverse action or behavior) imposed against an individual because of their participation or 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 (UF Guidelines Only)– 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, fondling, and oral copulation and intimate partner violence.

Please note that the Title IX definition of sexual assault is more specific. All instances of sexual harassment are addressed in the UF Gender Equity Policy through procedures that ensure adherence to both the Title IX regulations and the institutional efforts to address all sexual-based misconduct and relationship violence.

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 their consent and/or the consent of the recipient, and knowingly exposing another to a sexually transmitted infection/disease without their knowledge/consent.

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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.

Please note that the Title IX definition of sexual harassment is more specific. All instances of sexual harassment are addressed in the UF Gender Equity Policy through procedures that ensure adherence to both the Title IX regulations and the institutional efforts to address all sexual-based misconduct and relationship violence.

Stalking/Cyberstalking – Multiple, unwelcome acts directed at a specific person that (by a reasonable person's standard) cause that individual to fear for their (or others') safety and cause them 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

Students¹ directly involved in allegations of gender equity policy violations (Complainant/Respondent) will be guided through the following process:

Intake

The Title IX Coordinator or designee will meet with the Complainant and thoroughly review a form that outlines the investigatory and adjudicatory processes, student rights, responsibilities, and options, available resources, and supportive measures. All questions will be answered, and at the culmination of the meeting, the Complainant will choose how they would like to move forward² (investigation, informal resolution, defer decision). 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 their 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. If the Complainant wishes to remain anonymous, it may be possible for the Title IX 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

¹ 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 VI.A.3](#)).

² 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.

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their decision about moving forward, this will be documented, and further action will be discontinued unless the Complainant subsequently decides to move forward.³

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 and materials, as available, and obtain a list of requested witnesses,⁴ if any.

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

After Complainant witness interviews conclude, the Investigator will contact the Respondent to arrange a meeting time. 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 and 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.⁵

Investigative Report

At the culmination of a student 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 they reported, and present all supporting documents submitted as evidence. Both the Complainant and the Respondent will have the opportunity to review the investigative report. This 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 investigative report is reviewed by both Parties, it will be forwarded to SCCR and, from this point forward, the Office for Accessibility and Gender Equity will no longer have jurisdiction over the case. However, the office will continue to maintain a supportive relationship with both Parties. The leadership in SCCR will be

³ 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 for Accessibility and Gender Equity from providing support services and resources to the involved parties.

⁴ 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.

⁵ 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.

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solely responsible for determining whether the information provided in the investigative report supports charging the Respondent with a violation of UF Regulation 4.040 – Student Honor Code and Student Conduct Code. SCCR will inform both Parties of its decision and will oversee any further adjudication or resolution associated with the case, including hearings, appeals, etc.

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 and coordinating all aspects of this process through completion of the investigative report as outlined above.

Retaliation against any person participating in the investigation of an allegation of a gender equity policy violation is strictly prohibited. Any person who suspects retaliation has occurred because of an investigation should immediately inform the Investigator, the Title IX Coordinator, and the person's immediate supervisor. Allegations of retaliation or intimidation of anyone involved in the investigative process are taken very seriously by the University. It is entirely possible that retaliation can result in more serious disciplinary action than the underlying alleged policy violation.

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.

Students seeking to appeal the determination may address their request for an appeal to the office of the Vice President for Student Affairs.

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3. Employee Process

Employees⁶ directly involved with allegations of gender inequity (Complainant/Respondent) will be guided through the following process:

Intake

The Title IX Coordinator or designee will meet with the Complainant and thoroughly review a form that outlines the investigatory and adjudicatory processes, employee rights, responsibilities, and options, available resources, and supportive measures. All questions will be answered, and at the culmination of this review, the Complainant will choose how they would like to move forward⁷ (investigation, informal resolution, defer decision). 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 their questions.⁸ The case will then be forwarded for investigation and, from this point forward, the Complainant will no longer be able to maintain anonymity. If the safety of the Complainant or the UF community is at risk, then the Respondent notification of allegation may be delayed.

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. If the Complainant wishes to remain anonymous, it may be possible for the Title IX 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. However, if the safety of the Complainant or the UF community is at risk, then the Title IX Coordinator may determine further action is necessary to ensure the safety of the UF community.

Investigation

University regulations require employees to participate in an investigation when contacted by the Office for Accessibility and Gender Equity. Additionally, employees have the duty to cooperate and be honest and are

⁶ 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 VI.A.3.](#)).

⁷ 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 for Accessibility and Gender Equity from assisting the employee with alternative resolutions and/or support services.

⁸ In the event the employee is a member of a union, this notification will be made in accordance with the applicable collective bargaining agreement.

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prohibited from withholding information, impairing, or obstructing the process. Failure to comply with these requirements 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 and materials, if available, and obtain a list of requested witnesses, if any.⁹ The Investigator will then interview the Complainant's witnesses to obtain their insight and information on the allegations and collect documentation as available.

After Complainant's witness interviews conclude, the Investigator will contact the Respondent to arrange a meeting time. 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.¹⁰

Investigative Report

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 evidence standard, one of the following findings will be determined for each allegation:

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

Unsubstantiated, Inconclusive – The information gathered 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 gathered through the investigation supports the finding that no violation of the gender equity policy occurred (i.e., sufficient information exists for the investigator to conclude that the alleged misconduct did not occur).

⁹ 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.

¹⁰ 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.

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Once the investigative report is reviewed and finalized, it will be forwarded to the Department/College leadership and Employee Relations 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 for Accessibility and Gender Equity will no longer be involved in the case and will have no decision-making authority regarding employee action or follow up.

Prohibition against Retaliation

The oversight of gender equity policy guidelines falls under the Office for Accessibility and Gender Equity; this office is responsible for directing and coordinating all aspects of this process through completion of the investigative report as outlined above.

Retaliation against any person participating in the investigation of an alleged gender equity policy violation is strictly prohibited. Any person who suspects retaliation has occurred because of an investigation should immediately inform the Investigator, the Title IX Coordinator, and the person's immediate supervisor. Allegations of retaliation or intimidation of anyone involved in the investigative process are taken very seriously by the University. It is entirely possible that retaliation can result in more serious employee action than the underlying alleged policy violation.

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.

Employees seeking to appeal the determination may address their request for an appeal to the office of the Vice President for Human Resources.

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

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

Alleged gender equity policy violations may fall under the Title IX guidelines if they meet the definition of “sexual harassment” pursuant to 34 CFR § 106.30. Furthermore, as defined in § 106.30, the investigatory and adjudication process from here forward in this policy will be referred to as the “Grievance Process.”

1. [Violations Defined Under Section IV – Title IX Prohibited Conduct](#)

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;

Sexual Harassment (Title IX Guideline’s Only) - 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;

Sexual Assault (Title IX Guidelines Only) - 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:

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;

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;

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

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

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

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under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred.

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.

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.

Upon review, alleged gender equity policy violations that meet the above definitions 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

Intake

Once notified of an alleged gender equity policy violation, 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, by electronic mail, or by using the contact information listed for the Title IX Coordinator at the following link:

<https://titleix.ufl.edu/report/>.

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 and 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 or designee will meet with the Complainant and thoroughly review a form that outlines the investigatory and adjudicatory processes, student rights, responsibilities, and options, available resources, and supportive measures. All questions will be answered, and at the culmination of the meeting, the Complainant will choose how they would like to proceed (i.e., through the formal grievance process,

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informal resolution, or defer). If the Complainant decides to move forward with the grievance process, the Title IX Coordinator or designee will contact the Respondent to meet and thoroughly review the same information and answer all their questions. The Title IX Coordinator or designee will then provide both parties written notice of the allegations. The case will progress through the grievance process and, from this point forward, the Complainant will no longer be able to maintain anonymity. Supportive measures will continue for all Parties in need, regardless of whether the grievance process is pursued or not.

Advisors

Each Party will have an equal opportunity to select an Advisor of their choice. This Advisor may be a family member, friend, or an attorney. It is at the discretion of both Parties to utilize an Advisor during the initial grievance process, which includes the intake and investigatory stage. Once the hearing stage begins, in accordance with § 106.30, each Party must 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.

Informal Resolution

Informal resolution (i.e., 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.

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.

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 Hearing Officer concludes that a preponderance of the evidence supports a finding that the Respondent violated this policy.

Timeframe for Resolution.

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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 advisor, 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).

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.

Investigative Report

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. In accordance with the 34 CFR §106.45(b)(5)(vii), the Complainant and Respondent will have at least ten (10) business days to respond to the Report in writing.

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

Prohibition against Retaliation

Retaliation against any person participating in the investigation of an allegation of a gender equity policy violation is strictly prohibited. Any person who suspects retaliation has occurred because of an investigation should immediately inform the Investigator, the Title IX Coordinator, and the person's immediate supervisor. Allegations of retaliation or intimidation of anyone involved in the investigative process are taken very

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seriously by the University. It is entirely possible that retaliation can result in more serious disciplinary action than the underlying alleged policy violation.

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 advisor.

At least five (5) business days prior to the hearing, the Parties and their advisors 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, the 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 advisors to explain the hearing process.

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 Title IX and this policy.

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 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).

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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 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 Advisors 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 Advisor of the other Party and relevant witnesses.

The Parties' Advisors 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 Advisor 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 Advisor, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

A representative from Student Conduct and Conflict Resolution will be present at the hearing to provide details to the Hearing Officer about the sanctions identified for substantiated misconduct and prior disciplinary actions of record for the Respondent. 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.

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 Title IX and the policy. The Hearing Officer shall provide a written determination, which will contain:

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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.

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 and 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.

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Students seeking to appeal the determination may address their request for an appeal to the office of the Vice President for Student Affairs.

Disciplinary Sanctions and Remedies

If a Party is found to have violated Title IX and this policy, before finalizing the written determination, the Hearing Officer will consult with 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.

If a student is found responsible for violating the policy, a University official from Student Conduct and Conflict Resolution in the Dean of Students Office, will determine the appropriate sanctions and remedies. Any sanctions and remedies will be subject to appeal under this policy.

3. Employee Process

Intake

Once notified of alleged gender equity policy violation, the Title IX Coordinator communicates with all the 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 meet with the Complainant to review the process, employee rights, responsibilities, and options, available resources, the need for supportive measures, and information about the process. 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 (i.e., 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 contact the Respondent to meet and thoroughly review the same information and answer all their questions.

The Title IX Coordinator or designee will then provide both parties written notice of the allegations. The case will proceed through the grievance process and, from this point forward, the Complainant will no longer be able to maintain anonymity. Supportive measures will continue for all Parties in need regardless of whether the grievance process is pursued.

Advisors

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Each Party will have an equal opportunity to select an Advisor of their choice. The Advisor may be a family member, friend, or an attorney. It is at the discretion of both Parties to utilize an Advisor during the initial grievance process, which includes the intake and investigatory stage. Once the hearing stage begins, in accordance with § 106.30, each Party must 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 of whether the grievance process is pursued or not. 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.

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.

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 a preponderance of the evidence supports a finding that the Respondent violated this policy.

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 advisor, 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).

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 and materials or list of witnesses will be accepted.

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

After the Complainant's 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.

Investigative Report

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, and 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. In accordance with 34 CFR §106.45(b)(5)(vii), the Complainant and Respondent will have at least ten (10) business days to respond to the Report in writing.

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

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 because of an investigation should immediately inform the Investigator, the Title IX Coordinator, and/or the person's 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.

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 advisor.

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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 advisors 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, the 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 of the Parties and their advisors to explain the hearing protocol.

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 and Title IX.

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 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 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

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While the hearing is not intended to be a repeat of the investigation, the Parties will be provided with an equal opportunity for their advisors 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 advisor of the other Party and relevant witnesses.

The Parties' advisors 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 advisor 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 advisor, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

A representative from Employee Relations will be present at the hearing to provide details to the Hearing Officer about the sanctions identified for substantiated misconduct and prior disciplinary actions of record for the Respondent. 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.

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 and Title IX. 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

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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 advisors will simultaneously be provided with the written determination via electronic format.

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.

Employees seeking to appeal the determination may address their request for an appeal to the office of the Vice President for Human Resources.

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 consult with the appropriate University official(s) to determine sanctions and remedies. Sanctions being imposed will be included in the written determination.

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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.

If a faculty member or staff is found responsible, a University official from Employee Relations in Human Resources, will determine the appropriate sanctions and remedies. Any sanctions and remedies will be subject to appeal under this policy.

VII. TRAINING

The University will provide annual training on 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 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 the 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.

VIII. SUPPORT AND 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 and Wellness Center

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

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Crisis and Emergency Resource Center (CERC)

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

Employee Assistance Program (UF EAP)

- Website: <http://www.guidanceresources.com>
- App: GuidanceNow
- Web ID #: UFEAP
- Phone #: (833) 306-0103

Other Resources

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

Dean of Students – Disability Resource Center

- Website: <https://disability.ufl.edu>
- Location: 001 Reid Hall
- Mailing Address: 1316 Museum Road, P.O. Box 114085, Gainesville, FL 32611
- Phone #: (352) 392-8565

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- Email: DRC@ufsa.ufl.edu

Student Health Care Center

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

- Main Campus:
 - o Location: Infirmary Building, 280 Fletcher Drive, Gainesville, FL 32611
 - o Phone #: (352) 392-1161
- SHCC @ Shands:
 - o Location: Health Science Center, Dental Towers, 2nd Floor, Room D2-49, Gainesville, FL 32611
 - o Phone #: (352) 294-5700

UMatter We Care

- Website: <http://www.umatter.ufl.edu>
- Email: umatter@ufl.edu
- Location: 2nd Floor, Peabody Hall, Gainesville, FL 32611
- Phone #: (352) 294-2273

IX. RELATED POLICIES AND INFORMATION

Title IX of the Education Amendments Act of 1972 – No person in the United States shall, on the basis of sex, inclusive of gender identity and sexual orientation, 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

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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.

X. FURTHER ASSISTANCE

For further information or clarification regarding these guidelines or any other gender inequity 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

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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

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