

THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (VAWA)

The University of Central Florida does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, the University of Central Florida issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, the University of Central Florida prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

The university has a website dedicated to the prevention of sexual misconduct, which includes campus policies, prevention strategies, reporting mechanisms, and details on resources. The website address is www.shield.ucf.edu.

For a complete copy of UCF's policy governing student-related domestic violence, dating violence, sexual assault, and stalking, visit <http://goldenrule.sdes.ucf.edu>.

For a complete copy of UCF's policy statement governing sexual misconduct (and related policies, procedures and statements from the administration), visit <http://www.eeo.ucf.edu/documents/new/Discrimination%20-%20Descriptions,%20Prevention%20-%20Sexual%20Harassment.pdf>.

A. Definitions

There are numerous terms used by University of Central Florida in our policies and procedures. Because both employees and students can complain of sexual misconduct and can navigate both on campus administrative resolution processes as well as (depending on the offense) an external criminal resolution process, UCF is providing definitions of terms under the Rules of Conduct, in the Golden Rule Student Handbook as well as definitions from the Department of Education and the State of Florida. Questions regarding any terms used in this document related to sexual misconduct should be directed to UCF's Title IX Coordinator/EO Officer, Human Resources or the Office of Student Rights and Responsibilities.

Consent is defined in Florida within the criminal statute related to sexual battery. Fla. Stat. §794.011 Sexual battery.— (a) **“Consent” means intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.**

Consent, as defined by the Rules of Conduct in the Golden Rule Student Handbook, means any nonconsensual sexual activity which occurs on or off the UCF campus. Consent, to be valid, must be:

- i. Freely and actively given.
- ii. In mutually understandable words or actions.
- iii. Consent to one form of sexual activity can never imply consent to other forms of sexual activity.
- iv. Consent is not the lack of resistance; there is no duty to fight off a sexual aggressor.
- v. Consent can be withdrawn at any time, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions.

vi. A person shall not knowingly take advantage of another person who is under 18 years of age, mentally defective, under the influence of prescribed medication, alcohol or other chemical drugs, or who is not conscious or awake, and thus is not able to give consent as defined above. Further, a person shall not physically or verbally coerce another person to engage in any form of sexual conduct, to the end that consent as defined above is not given.

vii. Any attempted acts of sexual misconduct are also violations of this policy.

Sexual Assault

“Sexual assault” is defined by the Department of Education as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape is defined as 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.

Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

Rape and sexual assault are called “Sexual Battery” under Florida criminal law.

Fla. Stat. § 794.011 Sexual battery.

(1) As used in this chapter:

(a) “Consent” means intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

(b) “Mentally defective” means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.

(c) “Mentally incapacitated” means temporarily incapable of appraising or controlling a person’s own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.

(d) “Offender” means a person accused of a sexual offense in violation of a provision of this chapter.

(e) “Physically helpless” means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

(f) “Retaliation” includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.

(g) “Serious personal injury” means great bodily harm or pain, permanent disability, or permanent disfigurement.

(h) “Sexual battery” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

(i) “Victim” means a person who has been the object of a sexual offense.

(j) “Physically incapacitated” means bodily impaired or handicapped and substantially limited in ability to resist or flee.

- (2)(a) A person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a capital felony, punishable as provided in ss. 775.082 and 921.141.
- (b) A person less than 18 years of age who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a life felony, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.
- (3) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury commits a life felony, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.
- (4) A person who commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the following circumstances, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115:
- (a) When the victim is physically helpless to resist.
- (b) When the offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat.
- (c) When the offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future.
- (d) When the offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance which mentally or physically incapacitates the victim.
- (e) When the victim is mentally defective and the offender has reason to believe this or has actual knowledge of this fact.
- (f) When the victim is physically incapacitated.
- (g) When the offender is a law enforcement officer, correctional officer, or correctional probation officer as defined by s. 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified under the provisions of s. 943.1395 or is an elected official exempt from such certification by virtue of s. 943.253, or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and such officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of government.
- (5) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.
- (6) The offense described in subsection (5) is included in any sexual battery offense charged under subsection (3) or subsection (4).
- (7) A person who is convicted of committing a sexual battery on or after October 1, 1992, is not eligible for basic gain-time under s. 944.275. This subsection may be cited as the "Junny Rios-Martinez, Jr. Act of 1992."
- (8) Without regard to the willingness or consent of the victim, which is not a defense to prosecution under this subsection, a person who is in a position of familial or custodial authority to a person less than 18 years of age and who:
- (a) Solicits that person to engage in any act which would constitute sexual battery under paragraph (1)(h) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (b) Engages in any act with that person while the person is 12 years of age or older but less than 18 years of age which constitutes sexual battery under paragraph (1)(h) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (c) Engages in any act with that person while the person is less than 12 years of age which constitutes sexual battery under paragraph (1)(h), or in an attempt to commit sexual battery injures the sexual organs of such person commits a capital or life felony, punishable pursuant to subsection (2).
- (9) For prosecution under paragraph (4)(g), acquiescence to a person reasonably believed by the victim to be in a position of authority or control does not constitute consent, and it is not a defense that the perpetrator was not

actually in a position of control or authority if the circumstances were such as to lead the victim to reasonably believe that the person was in such a position.

(10) Any person who falsely accuses any person listed in paragraph (4)(g) or other person in a position of control or authority as an agent or employee of government of violating paragraph (4)(g) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Fla. Stat. § 794.0115 Dangerous sexual felony offender; mandatory sentencing.

(1) This section may be cited as the “Dangerous Sexual Felony Offender Act.”

(2) Any person who is convicted of a violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or (4); or s. 847.0145; or of any similar offense under a former designation, which offense the person committed when he or she was 18 years of age or older, and the person:

- (a) Caused serious personal injury to the victim as a result of the commission of the offense;
- (b) Used or threatened to use a deadly weapon during the commission of the offense;
- (c) Victimized more than one person during the course of the criminal episode applicable to the offense;
- (d) Committed the offense while under the jurisdiction of a court for a felony offense under the laws of this state, for an offense that is a felony in another jurisdiction, or for an offense that would be a felony if that offense were committed in this state; or
- (e) Has previously been convicted of a violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or (4); s. 847.0145; of any offense under a former statutory designation which is similar in elements to an offense described in this paragraph; or of any offense that is a felony in another jurisdiction, or would be a felony if that offense were committed in this state, and which is similar in elements to an offense described in this paragraph, is a dangerous sexual felony offender, who must be sentenced to a mandatory minimum term of 25 years imprisonment up to, and including, life imprisonment.

(3) “Serious personal injury” means great bodily harm or pain, permanent disability, or permanent disfigurement.

(4) The offense described in subsection (2) which is being charged must have been committed after the date of commission of the last prior conviction for an offense that is a prior conviction described in paragraph (2)(e).

(5) It is irrelevant that a factor listed in subsection (2) is an element of an offense described in that subsection. It is also irrelevant that such an offense was reclassified to a higher felony degree under s. 794.023 or any other law.

(6) Notwithstanding s. 775.082(3), chapter 958, any other law, or any interpretation or construction thereof, a person subject to sentencing under this section must be sentenced to the mandatory term of imprisonment provided under this section. If the mandatory minimum term of imprisonment imposed under this section exceeds the maximum sentence authorized under s. 775.082, s. 775.084, or chapter 921, the mandatory minimum term of imprisonment under this section must be imposed. If the mandatory minimum term of imprisonment under this section is less than the sentence that could be imposed under s. 775.082, s. 775.084, or chapter 921, the sentence imposed must include the mandatory minimum term of imprisonment under this section.

(7) A defendant sentenced to a mandatory minimum term of imprisonment under this section is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, before serving the minimum sentence.

Fla. Stat. § 794.02 Common-law presumption relating to age abolished.

The common-law rule “that a boy under 14 years of age is conclusively presumed to be incapable of committing the crime of rape” shall not be in force in this state.

Fla. Stat. § 794.021 Ignorance or belief as to victim’s age no defense.

When, in this chapter, the criminality of conduct depends upon the victim’s age being below a certain specified age, ignorance of the age is no defense. Neither shall misrepresentation of age by such person nor a bona fide belief that such person is over the specified age be a defense.

Fla. Stat. § 794.023 Sexual battery by multiple perpetrators; reclassification of offenses.

- (1) The Legislature finds that an act of sexual battery, when committed by more than one person, presents a great danger to the public and is extremely offensive to civilized society. It is therefore the intent of the Legislature to reclassify offenses for acts of sexual battery committed by more than one person.
- (2) A violation of s. 794.011 shall be reclassified as provided in this subsection if it is charged and proven by the prosecution that, during the same criminal transaction or episode, more than one person committed an act of sexual battery on the same victim.
 - (a) A felony of the second degree is reclassified to a felony of the first degree.
 - (b) A felony of the first degree is reclassified to a life felony.

This subsection does not apply to life felonies or capital felonies. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Fla. Stat. § 794.05 Unlawful sexual activity with certain minors.

- (1) A person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this section, “sexual activity” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; however, sexual activity does not include an act done for a bona fide medical purpose.
- (2) The provisions of this section do not apply to a person 16 or 17 years of age who has had the disabilities of nonage removed under chapter 743.
- (3) The victim’s prior sexual conduct is not a relevant issue in a prosecution under this section.
- (4) If an offense under this section directly results in the victim giving birth to a child, paternity of that child shall be established as described in chapter 742. If it is determined that the offender is the father of the child, the offender must pay child support pursuant to the child support guidelines described in chapter 61.

In the Rules of Conduct in the Golden Rule Student Handbook, unlawful sexual activity with certain minors is defined as attempting to commit by solicitation sexual acts with a minor by oral, written, or electronic means.

Domestic Violence

The Department of Education defines the term “domestic violence” to mean:

- 1) Felony or misdemeanor crimes of violence committed:
 - (i) By a current or former spouse or intimate partner of the victim;
 - (ii) By a person with whom the victim shares a child in common;
 - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - (v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Florida criminal law defines “domestic violence” as:

Fla. Stat. § 741.28 Domestic violence; definitions. As used in ss. 741.28-741.31:

- (1) “Department” means the Florida Department of Law Enforcement.
- (2) “Domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.
- (3) “Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the

exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

(4) “Law enforcement officer” means any person who is elected, appointed, or employed by any municipality or the state or any political subdivision thereof who meets the minimum qualifications established in s. 943.13 and is certified as a law enforcement officer under s. 943.1395.

Domestic Violence as defined in the Rules of Conduct, in the Golden Rule Student Handbook is violence towards a current or former spouse or intimate partner in which the individuals are currently or have previously cohabitated together.

Dating Violence

The Department of Education defines the term “dating violence” to mean violence committed by a person:

1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and
2) The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

(i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(ii) Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The State of Florida defines “dating violence” in criminal law as:

Fla. Stat. § 784.046 (1) (d) “Dating violence” means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

Dating Violence as defined in the Rules of Conduct, in the Golden Rule Student Handbook is violence, or threat of such violence, to an individual committed by a student who is or has been in a romantic or intimate relationship with said individual.

Stalking

The Department of Education defines the “stalking” as:

1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(i) Fear for the person’s safety or the safety of others; or

(ii) Suffer substantial emotional distress.

2) For the purposes of this definition:

(i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

(ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The State of Florida defines “stalking” in criminal law as:

Fla. Stat. § 784.048 Stalking; definitions; penalties.

(1) As used in this section, the term:

(a) “Harass” means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.

(b) “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.

(c) “Credible threat” means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

(d) “Cyberstalk” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Stalking as defined in the Rules of Conduct, in the Golden Rule Student Handbook is repeated, unwanted conduct toward or contact with another person that creates fear for the person’s safety or the safety of others, or causes an individual to suffer emotional distress. Such conduct is direct, indirect, or through a third party using any type of action, method, or means. Cyber stalking is also included in this definition.

B. Education and Prevention Programs

UCF engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identifies domestic violence, dating violence, sexual assault, and stalking as prohibited conduct;
- Defines, using definitions provided both by the Department of Education as well as state law, what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of Florida and the Rules of Conduct;
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides an overview of information contained in the Annual Security and Fire Safety Guide in compliance with the Clery Act.

UCF has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students, participating in and presenting information and materials during new employee orientation, and ongoing awareness prevention programming and activities to all students and employees.

UCF offered the following primary prevention and awareness programs for all incoming students in 2013:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Unless There's Consent	Mandatory for all incoming undergraduate students	Online	Sexual Assault, Stalking, Domestic Violence, Dating Violence

UCF offered the following primary prevention and awareness programs for all new employees in 2013:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Actions to Prevent and Correct Discrimination	Online	Online	Sexual Assault
Victim Services Information	Online	Online	Sexual Assault, Stalking, Domestic Violence, Dating Violence

UCF offered the following ongoing awareness and prevention programs for students in 2013:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
National Campus Safety Awareness Month – Safety Fair and prevention presentations	September 9, 2013: Prevention Awareness classes scheduled throughout the month	Student Union Pegasus Ballroom and meeting rooms	Sexual Assault, Stalking, Domestic Violence, Dating Violence
Domestic Violence Awareness Month: Light up the Night	October 7, 2013 Clothesline displayed for entire month in SU	Student Union Pegasus Ballroom, SU Atrium, SU Patio	Sexual Assault, Stalking, Domestic Violence, Dating Violence

Event and Clothesline Project	Atrium, Table event every Wednesday		
Stalking Awareness and Human Trafficking awareness month	January 16, 23, 30, 2013	Student Union Patio weekly table event	Sexual Assault, Stalking, Domestic Violence, Dating Violence, Human Trafficking
Teen Dating Violence Awareness Month; One Billion Rising event	February, 6, 13, 20, 27, 2013 January 17 th , 2013	Student Union Patio for TDV HPA Atrium for OBR	Sexual Assault, Stalking, Domestic Violence, Dating Violence
Vagina Monologues event	March 16 th , 2013	Student Union Pegasus Ballroom	Sexual Assault, Stalking, Domestic Violence, Dating Violence
Sexual Assault Awareness Month, Clothesline project and feature event	April 3, 10, 17, 24, 2013	Student Union Patio Table each Wednesday and Display in SU Atrium all month	Sexual Assault, Stalking, Domestic Violence, Dating Violence
Mentors in Violence Prevention Bystander Intervention Training	September 20-21 st , 2013	Rec and Wellness Center	Sexual Assault, Stalking, Domestic Violence, Dating Violence
Academic presentations	Year round as requested	Campus locations	Sexual Assault, Stalking, Domestic Violence, Dating Violence
UCF Cares Prevention Training	January 7 – February 18, 2014	Fraternity and Sorority Life	Sexual Assault, Stalking, Domestic Violence, Dating Violence
Sexual Misconduct Training for Conduct Board Members	Fall 2013	Office of Student Conduct	Sexual Assault, Stalking, Dating Violence

UCF offered the following ongoing awareness and prevention programs for employees in 2013:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
National Campus Safety Awareness Month – Safety Fair and prevention presentations	September 9, 2013: Prevention Awareness classes scheduled throughout the month	Student Union Pegasus Ballroom and meeting rooms	Sexual Assault, Stalking, Domestic Violence, Dating Violence

Domestic Violence Awareness Month: Light up the Night Event and Clothesline Project	October 7, 2013 Clothesline displayed for entire month in SU Atrium, Table event every Wednesday	Student Union Pegasus Ballroom, SU Atrium, SU Patio	Sexual Assault, Stalking, Domestic Violence, Dating Violence
Stalking Awareness and Human Trafficking awareness month	January 16, 23, 30, 2013	Student Union Patio weekly table event	Sexual Assault, Stalking, Domestic Violence, Dating Violence, Human Trafficking
Teen Dating Violence Awareness Month; One Billion Rising event	February, 6, 13, 20, 27, 2013 January 17 th , 2013	Student Union Patio for TDV HPA Atrium for OBR	Sexual Assault, Stalking, Domestic Violence, Dating Violence
Vagina Monologues event	March 16 th , 2013	Student Union Pegasus Ballroom	Sexual Assault, Stalking, Domestic Violence, Dating Violence
Sexual Assault Awareness Month, Clothesline project and feature event	April 3, 10, 17, 24, 2013	Student Union Patio Table each Wednesday and Display in SU Atrium all month	Sexual Assault, Stalking, Domestic Violence, Dating Violence
Mentors in Violence Prevention Bystander Intervention Training	September 20-21 st , 2013	Rec and Wellness Center	Sexual Assault, Stalking, Domestic Violence, Dating Violence
Academic presentations	Year round as requested	Campus locations	Sexual Assault, Stalking, Domestic Violence, Dating Violence
Sexual Misconduct Training for Conduct Board Members	Fall 2013	Office of Student Conduct	Sexual Assault, Stalking, Dating Violence

C. Procedures for Reporting a Complaint

UCF has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation, and working accommodations, if reasonably available. UCF will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the UCF Police Department, the Office of Student Conduct, or local law enforcement. Students and employees should contact Maria Beckman, Director, Equal Opportunity & Affirmative Action, Title IX Coordinator at Millican Hall 330, University of Central Florida

Orlando, FL 32816-0030 (407) UCF-1EEO (823-1336) <http://www.eeo.ucf.edu/> to report incidents of sexual assault, domestic violence, dating violence, and/or stalking.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at a certified Sexual Assault Treatment Center. The Florida Council Against Sexual Violence's (FCASV) Hotline Number, 1-800-956-7273, will route calls to local crisis centers and also UCF Victim Services Hotline 407-823-1200 should be contacted for immediate assistance in accessing services at the local Sexual Assault Treatment Center. The FCASV website also includes a search for local sexual violence treatment centers <http://www.fcasv.org/information/find-your-local-center>.

In Florida, evidence may be collected even if you chose not to make a report to law enforcement. Advocates are available 24 hours a day, 7 days a week to provide support and advocacy for survivors of sexual abuse. The UCF Police Department has trained Victim Services employees within the Police Department, who can also support victims of sexual and/or domestic abuse. The UCF Police Department can provide transportation to the hospital whether or not the survivor wants to make an official report to law enforcement. Police are required to 1) assess information provided to them for purposes of determining if a Timely Warning (community alert) needs to be sent out; 2) determine if the crime statistic should be included in their annual count; and 3) notify the Title IX Coordinator, Equal Opportunity & Affirmative Action Office of the call, but a victim's personal identifying information would never be publically disclosed.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to UCF hearing boards/investigators or police. Although UCF strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and the victim has the right to decline involvement with the police. UCF will assist any victim with notifying local police if they so desire. The UCF Police Department works with the Orange County Sheriff's Office, the Seminole County Sheriff's Office, and the City of Orlando Police Department (see "Off-Campus Resource" section for contact information for these three local police departments.) to investigate crimes when deemed appropriate.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Maria Beckman, Director Equal Opportunity & Affirmative Action, at Millican Hall 330, University of Central Florida Orlando, FL 32816-0030 (407) UCF-1EEO (823-1336) <http://www.eeo.ucf.edu/> by calling, writing or coming into the office to report in person and to the UCF Police Department (if the victim so desires.) UCF will provide resources, on campus, off campus or both, to include medical, health, counseling, advocacy, legal assistance, and visa & immigration assistance to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider

speaking with the UCF Police Department or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of sexual assault, stalking, dating violence, or domestic violence is reported to UCF, the following are the procedures that UCF will follow, as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

1. Depending on when the incident is reported (immediate vs delayed report), provide the victim/survivor with access to medical care if needed.
2. Assess immediate safety needs of the victim/survivor.
3. Assist the victim/survivor with contacting local police if the victim/survivor requests AND provide the victim/survivor with contact information for the local police department.
4. Provide the victim/survivor with referrals to on and off campus resources as required.
5. Assess need to implement interim or long-term measures to protect the victim/survivor, such as housing changes and/or changes in class schedules for students, changes in employment for faculty and staff, and/or “No Contact” directives between both parties for both students and employees.
6. Provide a “No trespass” directive to the accused party if deemed appropriate.
7. Provide written instructions to the victim/survivor on how to apply for Protective Order.
8. Provide a copy of UCF policies prohibiting sexual misconduct to the victim/survivor and inform the victim/survivor regarding timeframes for inquiry, investigation and resolution.
9. Inform the victim/survivor of the outcome of the investigation, whether or not the accused will be administratively charged, and inform the victim/survivor of the outcome of any hearing that may have taken place.
10. Provide information to the victim/survivor on how to preserve evidence.
11. Enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

The standard of evidence used to determine responsibility is a preponderance of the evidence, which means that it is “more likely than not” that the sexual misconduct, dating violence, domestic violence, and/or stalking occurred. (50.1% likely to have occurred).

D. Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is to have occurred on or off campus, UCF will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options for reporting and resources. Rights and options are also available at www.shield.ucf.edu.

Rights of Student and Employee Victims of Sexual Misconduct

Sexual misconduct is not tolerated at UCF. Reports of sexual misconduct, including, sexual harassment, sexual assault, dating and domestic violence, or stalking are taken seriously. It is important to UCF that victims are informed, protected, and respected. The following rights are afforded to any UCF student, staff, or faculty member who experiences sexual misconduct.

1. **CONFIDENTIALITY.** Identifying information of a victim will be protected as much as possible within legal requirements. See www.shield.ucf.edu for more information regarding confidentiality requirements.
2. **TIMELY WARNINGS.** Any timely warning that is broadcast through UCF websites or emails for the safety of our community will not identify a victim by name.
3. **REPORTING OPTIONS.** The university encourages victims to file a report so that the university may investigate, take appropriate action to protect the victim and others from additional misconduct, and take

appropriate action against the perpetrator. However, ultimately, it is the victim's choice whether or not to report her or his victimization. At UCF, there are several offices to report an incident if you choose to do so. Reporting options are available at www.shield.ucf.edu.

4. **NO CONTACT or PROTECTIVE ORDERS.** The University will honor any protective order that you may have acquired through the local courts. Please bring a copy of such a court order to the University Police Department for their information and enforcement. In addition, a UCF administrative no contact order may be issued by the Title IX coordinator, deputy Title IX coordinator, or Office of Student Conduct.
5. **REQUESTS FOR CHANGES.** You may request a change in academic setting (class or campus) or work assignment in order to be separated from the accused perpetrator. Such a request will be granted to the greatest extent possible. These requests should be made to the Office of Student Conduct or deputy Title IX coordinator (if you are a student) or to the Title IX coordinator (if you are an employee). Requested changes will be made as soon as alternative arrangements can reasonably be made and regardless of whether you choose to pursue an investigation into your incident.
6. **FAIR AND IMPARTIAL INVESTIGATION AND RESOLUTION.** You can expect a fair and just process as your complaint is handled, either through the Office of Student Conduct or Title IX coordinator. You can obtain more information about these processes by accessing 5.006 of the Student Rights and Responsibilities sections of the Golden Rule Student Handbook when the perpetrator is a student; and if the perpetrator is a university employee, by accessing the discrimination grievance documents on the Equal Opportunity and Affirmative Action webpage at <http://eeo.ucf.edu/>.
7. **RETALIATION CONCERNS.** Threats, intimidation, and any form of retaliation for making a complaint of sexual misconduct are prohibited by federal law and university policy and may be grounds for disciplinary action up to and including expulsion or termination. If any retaliation occurs, it is important to contact either the Title IX coordinator, deputy Title IX coordinator, or Office of Student Conduct. .
8. **COMMUNITY RESOURCES.** The communities in which UCF campuses are located also offer resources to victims. Please see the Resources section on the www.shield.ucf.edu website for further information.

Injunctions

UCF complies with Florida law in recognizing orders of protection, which are called injunctions in Florida. There are five types of injunctions that differ based on the nature of the threat and the victim's relationship to the abuser. Injunctions are issued throughout the State of Florida.

Domestic Violence Injunctions

You may file a Domestic Violence Injunction if there has been an incident of violence and the Respondent is your spouse, former spouse, related to you by blood or marriage, living with you or has lived with you in the past or is the other parent of your child(ren) whether you have been married or lived together.

Repeat Violence Injunctions

You may file a Repeat Violence Injunction if two or more incidents of violence have been committed against you or a member of your immediate family by another person. At least one of those acts of violence must have occurred within the last six months of filing a petition.

Sexual Violence Injunctions

You may file a Sexual Violence Injunction if there has been an incident of violence wherein a sexual act is committed or attempted. In order to receive an injunction, you must have reported the sexual violence to law enforcement and be cooperating in any resulting criminal proceeding.

Dating Violence Injunctions

You may file a Dating Violence Injunction if there has been an incident of violence between individuals who have had a continuing relationship of a romantic and intimate nature. The relationship must have existed within the past six months.

Stalking Violence Injunctions

You may file a Stalking Violence Injunction if someone purposely follows or harasses you repeatedly over a period of time for no legitimate reason.

Please refer to the Orange County Clerk of Court webpage for more information on the types of injunctions and the requirements for filing <http://www.myorangeclerk.com/enu/Pages/court-services/injunctions.aspx> .

Any person who obtains an order of protection from Florida or any U.S. State should provide a copy to the UCF Police Department and the Title IX Coordinator, Equal Opportunity & Affirmative Action Office. A victim may then meet with Police and/or a victim advocate to develop a safety action plan, which is a plan for the UCF Police Department and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, different parking arrangements, providing a different telephone number or email address, changing classroom or working locations, and/or allowing a student to complete assignments from home. UCF examines, on a case-by-case basis, what specific needs are present and how best to accommodate those needs.

UCF cannot apply for a legal order of protection (injunction) for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services and may obtain assistance in doing so from the UCF Police Department, another local law enforcement agency, or may go directly to the Orange County Courthouse located at 425 N. Orange Avenue Orlando, FL 32801 407-836-2000. Hours of operation are Monday through Friday from 7:30 am to 4:00 pm. If you are the victim of dating violence, domestic violence, sexual assault, or stalking and need an emergency injunction after hours, contact your local police department or if on campus, the UCF Police Department.

UCF may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, university offices will work cooperatively to ensure that the victim's health, physical safety, work, and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a victim may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance, and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the victim (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20)). Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

UCF does not publish the name of crime victims nor house identifiable information regarding victims in UCF Police Department's Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by going to the Registrar's Office and making the request. Employees should contact Human Resources for assistance.

Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

On-Campus

<u>Resource</u>	<u>Address/Location on Campus</u>	<u>Phone Number</u>
Campus Faiths and Ministries	4145 Pyxis Lane, Suite 152-154 Orlando, FL 32816	407-823-5336
Counseling and Psychological Services	4090 Libra Drive Orlando, FL 32816	407-823-2811
Director of Wellness	12800 Gemini Blvd. S. Orlando, FL 32816	407-823-5841
International Services Center	12701 Scholarship Drive Orlando, FL 32816	407-823-2337
Multicultural Academic & Support Services	12715 Pegasus Drive, Suite 154 Orlando, FL 32816	407-823-2716
Office of Diversity Initiatives	12424 Research Pkwy, Suite 169 Orlando, FL 32826	407-823-6479
Office of Student Conduct	4145 Pyxis Lane, Suite 227 Orlando, FL 32816	407-823-4638
Office of Student Rights and Responsibilities	4145 Pyxis Lane, Suite 227 Orlando, FL 32816	407-823-4638
Office of the Title IX Coordinator	4365 Andromeda Loop N., Suite 330 Orlando, FL 32816	407-823-1336
Student Care Services	4145 Pyxis Lane, Suite 142 Orlando, FL 32816	407-823-5607
UCF CARES	4145 Pyxis Lane, Suite 142 Orlando, FL 32816 www.ucfcares.com	407-823-5607
UCF Health Services Center	4098 Libra Drive Orlando, FL 32816	407-823-2701
University Police	3610 Libra Drive Orlando FL 32816	Non-emergency: 407-823-5555 Emergency: 911
Victim Services – Main Office M-F 8 AM – 4:30 PM	12201 Research Parkway, Suite 450 Orlando, FL 32826	Main: 407-823-2425 24/7 HOTLINE: 407-823-1200
Victim Services Outreach Office M-F 9 AM – 4:00 PM	12795 Aquarius Agora Drive, Suite 108 Orlando, FL 32816	407-823-1116

Off-Campus

<u>Resource</u>	<u>Address/Location off Campus</u>	<u>Phone Number</u>
Counseling and Mental Health Mental Health Association of Central Florida	1525 E Robinson Street Orlando, FL 32801	407-898-0110

Florida Hospital East	7727 Lake Underhill Road Orlando, FL 32822	407-303-8110
Harbor House of Central Florida (DV Shelter, Orange County)	PO Box 680748 Orlando, FL 32868	Hotline: 407-886-2856
Help Now of Osceola Inc (DV Shelter, Osceola Co.)	PO Box 420370 Kissimmee, FL 32742-0370	Hotline: 407-847-8562
Legal Assistance Orange County Bar, Lawyer Referral Service	880 N. Orange Avenue Orlando, FL 32801	407-422-4537
Orange County Courthouse	425 North Orange Avenue Orlando, FL 32801	407-836-2000
Orange County Courthouse Restraining Orders, Harbor House Office	425 North Orange Avenue Orlando, FL 32801	407-836-2001
Orange County Sheriff's Office	2500 West Colonial Drive Orlando, FL 32804	407-254-7000
Osceola County Court (injunctions for protection)	2 Courthouse Square Kissimmee, FL 34741	407-742-3500
Osceola County Sheriff's Office	2601 E. Irlo Bronson Memorial Hwy Kissimmee, FL 34744	407-348-1100
Safehouse of Seminole (DV Shelter Seminole County)	PO Box 471279 Lake Monroe, FL 32747-1279	Hotline: 407-330-3933
Seminole County Courthouse (Injunctions for Protection)	301 N. Park Avenue Sanford, FL 32772	407-665-4580
Seminole County Sheriff's Office	100 Bush Blvd. Sanford, FL 32773	407-665- 6600
Sexual Assault Treatment Center Orange County	Undisclosed Location, must call hotline first.	Hotline: 407-497-6701
Sexual Assault Treatment Center, Osceola County	Undisclosed location must call hotline first	Hotline: 407-497-6701
Sexual Assault Victim Services, Seminole County	Undisclosed Location must call hotline first	Hotline: 321-784- 4357
The Center Orlando	946 N. Mills Avenue Orlando, FL 32803	407-228-8272
Victim Service Center of Central Florida	2111 E Michigan Street, Suite. 210 Orlando, FL 32806	407-254-9415
Zebra Coalition, services for LGBT+ youth age 13-24.	911 N Mills Avenue Orlando, FL 32803	407-228-1446

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.shield.ucf.edu> – UCF website dedicated to preventing sexual misconduct

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

<https://www.notalone.gov/> The White House

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”¹ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. Further information regarding bystander intervention may be found on the UCF website www.shield.ucf.edu. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this guide for support in health, counseling, or with legal assistance.

Risk Reduction

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org).

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cash money.
7. **Don't allow yourself to be isolated** with someone you don’t trust or someone you don’t know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the

¹ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

² Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

- amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
 15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
 16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
 17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

E. Adjudication of Violations

Whether or not criminal charges are filed, UCF or an individual person may file a complaint under UCF's policy prohibiting Harassment and Discrimination (to include Sexual Misconduct) with the Title IX Coordinator, Equal Opportunity & Affirmative Action Office alleging that a student or employee violated the institution's policies. UCF has extensive information online to assist complainants in understanding policy and procedures. For a comprehensive list of policies and procedures related to sexual harassment, to include sexual assault, visit the Equal Opportunity & Affirmative Action Office at <http://eeo.ucf.edu>.

Rights of Students and Employees Accused of Sexual Misconduct

If you have been accused of sexual misconduct including sexual harassment, sexual assault, dating or domestic violence, or stalking, and the university is determining whether disciplinary action is appropriate, you have certain rights.

1. **CHARGES.** You have the right to be notified of the charges against you. You will be notified in writing and will be provided a copy of the complaint against you.
2. **PROMPT, FAIR, AND IMPARTIAL INVESTIGATION.** You have the right to a prompt, fair, and impartial investigation of the complaint against you, including an opportunity to present witnesses and other evidence. You may present documents, the names of witnesses, and other evidence to the investigator(s). The investigator(s) may also interview other witnesses and consider other evidence.
3. **ADVISOR.** You have the right to select an advisor to support and accompany you at all times throughout the university proceedings. The advisor may support you, but may not represent you or speak for you. You may contact the Title IX coordinator or the Office of Student Conduct if you have procedural questions or concerns during any stage of the process.
4. **STANDARD OF EVIDENCE.** The standard of evidence that is applied is called a "preponderance of the evidence," meaning you will only be considered responsible for sexual misconduct if the evidence

shows that you more likely than not committed the violation. Less evidence is required under this standard than under the “beyond a reasonable doubt” standard that would be used if you are also criminally charged for sexual misconduct by law enforcement. However, at the complainant’s request, the university may take action to change a class assignment or working relationship, or issue a campus protective order, so that you will be separated from the complainant to the greatest extent possible. These actions will not be considered in determining whether you are responsible for the alleged sexual misconduct, and will not prejudice you under that process.

5. **SANCTIONS.** You have the right to know the potential sanctions that may be imposed if you are found responsible for sexual misconduct. These sanctions include, but are not limited to, warnings, probation, suspension, dismissal from the university, or termination from employment.
6. **INFORMATION.** You have the right to information regarding the status of the complaint against you, including the outcome of the campus investigation and any disciplinary action, the procedures to appeal a disciplinary action, and the final outcome.

When a Student is the Accused

The following provisions are designed to provide a fair process for both parties while also ensuring victims/survivors protections under Title IX. Consistent with due process, a charged student is not in violation until a preponderance of evidence proves otherwise.

As a public institution UCF must provide due process to students accused of violent conduct, injurious behavior, sexual misconduct, dating violence, domestic violence, and/or stalking. Alleged victims of violence may choose how to proceed within the student conduct process, although UCF can proceed with conduct action without the victim's consent if the alleged behavior put others in reasonable fear of physical harm or created a hostile environment in which others are unable to conduct or participate in University work, education, research or other activities, or otherwise adversely affects the accused student's suitability as a member of UCF community. Alleged victims of violence or harassment whose cases are handled by the Office of Student Conduct in a formal hearing have certain rights in the conduct process as listed below. The following provisions are designed to provide a fair process for both parties while also ensuring victims/survivors protections under Title IX (http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html) and the Campus SaVE Act (<http://campussaveact.org/>). Consistent with due process, a charged student is not in violation until a preponderance of evidence proves otherwise. To ensure fairness to victims/survivors of acts of violence throughout the disciplinary process, UCF has established the following provisions for victims/survivors:

1. A victim or a survivor may have a person of her or his choice accompany her or him throughout the Student Conduct Review process. This person will act as a support person or advisor but will not represent the victim or survivor. A victim or a survivor shall be notified of the available assistance at the University of Central Florida.
2. A victim or survivor will be afforded similar and timely access to any information that will be used during the Student Conduct Review Process.
3. A victim or survivor will receive notice to attend a preliminary conference meeting with the Office of Student Conduct.
4. A victim or survivor may submit a list of questions related to the alleged incident, prior to the hearing, that she or he feels the charged student should be asked during the hearing process.
5. A victim or survivor will have equal opportunity to present relevant witnesses and other information during the Student Conduct Review Process.
6. A victim or survivor may not have her or his irrelevant past conduct, including sexual history, discussed during the hearing. The issue of relevancy shall be determined by the Student Hearing Panel or the hearing officer.

7. A victim or survivor will be provided access to view and hear the charged student's statements during the Student Conduct Review Process.
8. A victim or survivor should not be questioned directly by the charged student during the Student Conduct Review Process. All questions shall be asked through a hearing officer.
9. A victim or a survivor may make a "victim or survivor impact statement" and suggest an appropriate sanction, disciplinary warning, disciplinary probation, disciplinary suspension, and /or disciplinary expulsion (see section 5.009 #5 for more information) to include appropriate compensations if the charged student is found to have been in violation of the Rules of Conduct.
10. A victim or survivor and the charged student, will be informed of the outcome of the student conduct review, any outcomes, and appeal process concurrently in writing, after making a commitment to protect the confidentiality for all persons involved as outlined in the Family Educational Rights and Privacy Act Regulations, 34 CFR 99(a)(13). The victim/survivor must be informed of the outcome of the hearing and the outcome of any appeal without a commitment to protect the confidentiality of the information, pursuant to the Clery Act Regulations, 34 CFR 668.46(b)(11). The "final outcome" means only the final determination with respect to the alleged offense and any sanction that is imposed against the accused. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin shall be treated as the alleged victim for purposes of this paragraph. UCF will provide the written determination of the hearing, appeal outcomes, and any changes to the result before it becomes final to the victim or survivor.
11. A victim or survivor has the right to appeal the outcome of the Student Conduct Review Process on the basis outlined in the Student Conduct Appeals section UCF-5.010
12. A victim or survivor will be given periodic status updates throughout the Student Conduct Review Process, which generally takes sixty calendar days following receipt of an incident report.

If a complainant reports, UCF will ask for consent from the complainant to begin an investigation. Sometimes UCF may have to proceed without an investigation if there is a great risk to public safety.

Student Disciplinary Process and Sanctions

The UCF disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. The policy and process provides that:

1. The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of victims and promotes accountability;
2. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
3. The institution will allow for timely access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meeting and hearings;
4. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
5. The institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding;
6. A student conduct decision is based on the preponderance of evidence standard;

7. The accuser and the accused will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and
8. The accuser and the accused each have the right to appeal the outcome of the hearing by and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved.

Sanctions

In all cases, investigations that result in a finding of more likely than not that a violation occurred will lead to the initiation of disciplinary procedures against the accused individual. University sanctions for sexual misconduct include the following and will be imposed upon a finding of responsibility:

Disciplinary Probation

Disciplinary probation status shall be for a specific length of time. Restrictive conditions may be imposed and vary according to the severity of the offense. Restrictive conditions may include, but may not be limited to the following: loss of good standing, which may become a matter of record; ineligibility to receive any University award, scholarship, loan, honorary recognition, or initiation into any local or national organizations, and denial of the privilege to occupy a position of leadership or responsibility in any University student organization, publication, or activity, or ability to represent UCF in an official capacity or position. Under disciplinary probation, the student may continue to attend classes and is given a chance to show capability and willingness to live in accordance with University rules. However, if the student is subsequently found in violation of a rule while on disciplinary probation, UCF may suspend or expel the student from UCF. While on Disciplinary Probation, a hold will be placed on a student's record for record keeping purposes.

Disciplinary Suspension

A student involved in an offense warranting consideration of action more serious than disciplinary probation or one involved in repeated misconduct may face suspension. During the period of suspension, a student may not attend classes, participate in University related activities, whether they occur on or off campus. A student under disciplinary suspension may not otherwise be present on University premises unless authorized in writing in advance under conditions approved by the Director of the OSRR. In determining if and to what extent suspended students shall be authorized to be on University premises, the Director of the OSRR or designee shall consider whether the suspension creates an undue hardship on the suspended student in regard to considerations that include, but are not limited to, the medical needs of the student. An overlay will be placed on a student's record during the period of suspension. Further, while on disciplinary suspension, a hold will be placed on a student's record for record keeping purposes. All assigned educational sanctions must be completed prior to the conclusion of disciplinary suspension; otherwise the disciplinary suspension will remain in effect.

Disciplinary Expulsion

Expulsion is a sanction which removes the student from his/her academic program and permanently separates a student from UCF without opportunity to graduate or re-enroll at UCF in the future. An overlay will be permanently placed on the student's record. Further, a hold will be permanently placed on a student's record for record keeping purposes.

Educational Sanctions

In conjunction with an administrative sanction, a student found to have been in violation of any of the Rules of Conduct will be assigned educational sanctions such as, but not limited to, reflective / research papers, classes / seminars, community service, interviews, etc. If a student has any outstanding educational sanctions at the conclusion of disciplinary probation or suspension, a student's disciplinary probation or suspension status and hold will remain in effect pending the completion of the educational sanctions.

When an Employee is the Accused

The following guidelines apply to the procedure referenced in UCF Regulation 3.001, Non-Discrimination and Affirmative Action. They implement UCF Regulation 3.0134, Grievances Alleging Discrimination, and they will be applied to each action filed under the UCF Discrimination Grievance Procedure. The standards used at each step are described generally, with the understanding that the primary intent is to determine the facts, identify any violation of UCF's regulation prohibiting discrimination, and implement a resolution to grievances, which identify one or more violations.

Secondary goals include improvement of UCF's support of equal opportunity and affirmative action, encouragement of cultural diversity, and treatment of individuals with respect and dignity. These secondary goals may foster actions by UCF president that correct perceptions or enhance the climate despite no finding of a violation of the regulation prohibiting discrimination. Such actions will be differentiated from corrective measures implemented based on findings of a violation.

This procedure is presented in six sections: Intake, Investigation, Communication and Reporting, Implementation of Corrective and Final Actions, Document Dissemination and Storage, and Glossary.

I. Intake

Complaints may be brought to the attention of the Office of Equal Opportunity and Affirmative Action Programs ("EO/AA") in many ways. There is no required format, preceding step, or standing needed to raise an issue with the office. Visits, calls, signed and unsigned written communication all are examples of contacts that may be used to raise an issue.

However, only two forms of contact are recognized for entry into the UCF Discrimination Grievance Procedure: personally-identifiable contact by the grievant with the office, or written, signed contact by the grievant with the office. (Alternate formats of personally-identifiable contact may be provided as a reasonable accommodation to an individual with a disability.)

Confidentiality will be maintained to the extent possible. The fact that a grievance has been filed, and the nature of that grievance, will be communicated only to those who require such information to fulfill their responsibilities.

All documents related to an investigation are protected by statute from review by members of the public while the process is ongoing. Information contained in grievances might be shared with respondents in original format. However, it is more likely that it will be presented in a format in which each statement is related to the charge, with extraneous information removed.

EO/AA does not require the grievant to specify the pertinent laws or mention the title of the regulation UCF 3.001. The office is responsible for comparing the alleged discriminatory actions to any university regulations that fall within its jurisdiction. This procedure is in place to help UCF comply with UCF 3.001; all parameters of that regulation should be examined in the investigation. The remedy fashioned in each case will consider the merits of the evidence in a manner that allows UCF president to direct appropriate discipline or corrective actions.

At the option of UCF, investigation may proceed without a written, signed statement. Complaints that do not meet the definition to enter the grievance procedure may be acted upon in a problem-solving manner, which may differ in form and notification from a Discrimination Grievance. For example, there are cases in which documentary evidence overrules the need for a signed complaint (i.e., allegations of a biased grading pattern or a hostile classroom environment).

Techniques to invite statements without leading the witnesses might be used, such as sampling of potential targets of discriminatory conduct. Correspondence from the Office to the respondent in such cases will indicate that no signed complaint is on file. It may also indicate that no individual remedy will be granted to the individual who supplied the original information.

Grievants will be advised of other forums for resolution, internal (administrative) and external. There may be a bar to their participation in more than one administrative forum. They are also encouraged to inform themselves using the “Resources” tab on the EO/AA homepage.

II. Investigation

The jurisdiction of EO/AA includes discrimination on the bases of race, color, religion, sex (including sexual harassment and pregnancy discrimination), national origin, age, disability, marital status, sexual orientation, gender identity, gender expression, and veteran status (as protected under the Vietnam Era Veterans’ Readjustment Act). Parties who do not claim such bases will be referred to a more appropriate forum or assisted with conflict resolution on a more informal basis.

After reports or complaints are received, the matter will be examined to determine if it appears to fall within the jurisdiction of the office. If so, the procedure continues with a notice to the respondent(s) that an investigation of the listed allegations has been initiated. This notice may contain slight detail and may only serve to inform the respondent, not call for response.

Determination of jurisdiction continues with early fact-finding related to the status of the grievant, timeliness of filing, the preliminary allegations, UCF's control over the matter, or administrative actions in progress. If jurisdiction is accepted and the allegations are supported by signed, written statements, the investigation will proceed. If no such statements are received, the respondent will be notified of that fact. The investigation may still continue, if the Director of EO/AA deems it appropriate, but there may be no individual remedy available to those who informed UCF about the issue.

An investigation plan then is developed by the Office. It usually will entail elements such as confirmation of jurisdiction; one or more interviews with the grievant, respondent, and witnesses; document collection; receipt of signed, written statements; clarification of unresolved issues; and preparation of the final report and supporting evidence.

The elements may be accomplished in varying order to best meet the demands of the investigation. It is most common to provide the respondent with the last opportunity to comment on the unresolved issues prior to preparing the report and its findings.

Interviews are commonly conducted in private, with no representatives or observers. Recording (by person or device) is not considered appropriate for this process, which is an informal, proactive administrative procedure. The Discrimination Grievance Procedure is predicated on the belief that effective personal communication in this type of investigation is one-to-one.

Similarly, those electing counsel should understand that EO/AA will be represented by UCF’s Office of the General Counsel in matters related to the investigation. Representation of grievants by private counsel is permitted. However, it is not envisioned in this process, since no determination of corrective actions (which might include discipline) is made at this level. Administrative resolution of the grievance is the goal of the process. In any case, grievants who choose to be represented by counsel should be aware that arranging for all parties to be present or notified of actions may delay one or more steps of the process.

III. Communication and Reporting

The first communication is normally a notification to the grievant that jurisdiction has been accepted. This is normally followed by a notification to the respondent that a grievance is being investigated. Notification to the respondent will occur no later than seven calendar days after acceptance of jurisdiction.

Interim reports are not common in the investigation. Communication to the grievant, respondent, or witnesses may include statements from other parties for which verification or explanation is requested. Presentation of such

statements is not considered a report, a finding, or a predictor of the result of the investigation. It is merely a statement of information with a request for those parties to comment.

The Investigation Report will contain a Statement of Allegations, statement of the violation of regulation that is alleged, facts determined in the investigation, an indication of how the regulation applies to the situation, and findings on each issue.

The UCF president will receive from EO/AA recommendations for resolving the issue, as called for by the regulation governing this procedure, in a separate document. The recommendations focus on correcting discriminatory actions or patterns. The purpose for providing the recommendations in a separate document is two-fold:

1. It provides the President an opportunity to review the report and independently consider appropriate strategies to address the issues.
2. It provides the President with guidance on such strategies that is based on technical knowledge of administrative structures, appropriate remedies for particular situations, the grievant's request for remedy, and the past practice of UCF in similar situations.

Recommendations related to findings of a regulation violation will be differentiated for the president's consideration from recommendations related to improvement of environmental factors or perceptions. Correction or improvement of such factors is important to UCF in its continuous efforts to erase discrimination as well as the perception of discrimination.

Recommendations will be tailored to existing systems of due process when available. If cause is found to believe that a violation of university regulation occurred, the recommendation may specify that the designated administrative route be utilized to consider appropriate discipline. Due process attaches to each of those disciplinary procedures.

Other recommendations may be specific to the situation and consistent with university practice, the body of research in the area of violation, and the best interests of UCF.

IV. Implementation of Corrective and Final Actions

As specified in the regulation, the President normally selects one of three courses of action once the report and its findings have been accepted.

1. Direct that specific action should be taken according to the recommendations of EO/AA.
2. Direct that specific action should be taken, modifying the recommendations of EO/AA.
3. Direct other actions in lieu of those recommended by EO/AA.

The report and recommendations are returned to EO/AA for implementation. They then may be assigned to appropriate offices, possibly with a monitoring schedule, or undertaken specifically by EO/AA.

V. Document Dissemination and Storage

Once an investigation process is complete, the grievant and respondent is notified of the outcome. Each party is provided a copy of the Investigation Report simultaneously at no charge.

The final report may become a public document after the completion of the process. Requests for copies will be processed as required. This procedure is available in the Forms section of EO/AA website.

The Investigation Report and all supporting documents, plus the work products used in the investigation, are

maintained in EO/AA. They do not become part of any employee's official personnel file as a part of the investigation process.

The President's decision is the final step in the Discrimination Grievance Procedure. Parties who believe that the investigation failed to follow the procedure may request reconsideration by the President by furnishing a detailed written statement. Discipline or other corrective measures taken by appropriate university officials after the investigation also may carry due process rights.

Participation in this process has no bearing on the freedom of grievants to pursue their civil rights in another forum. The investigation procedures are modeled on standards set by EEOC. Therefore, the Investigation Report may be used in UCF's interaction with external forums chosen for resolution.

VI. Glossary of Related Terms

The following list contains working definitions of terms commonly used in the UCF Discrimination Grievance Procedure.

Adverse action: an action that is neutral on its face but disproportionately affects persons in a protected class. Disproportion is defined as the affected class succeeding at less than 80% of the success rate for the group used for comparison.

Complainant: A person who has contacted an appropriate official of UCF regarding a situation he/she defines as discrimination. See related term, Grievant.

Completion of the investigation: End of a reasonable time, normally one week, following the President's return of the final report and directives to EO/AA. At this time, it can be expected that the directives will be acted upon.

Discrimination Grievance: An action filed with EO/AA, signed by the affected party, presenting a *prima facie* statement of discrimination.

Discriminatory treatment: An adverse action is taken against an individual or class of individuals based on protected class status.

Findings: Statement made to the UCF president in the Investigation Report, indicating which facts have been substantiated. To be used in determining a violation of UCF 3.001 and, if relevant, which administrative remedies will demonstrate appropriate corrective actions.

Grievant: An individual whose signed discrimination grievance has been accepted by EO/AA for investigation. Once a grievance form is signed by a complainant, reviewed and accepted for action, the complaint is termed a "grievance" and the complainant is termed a "grievant." See related term, Complainant.

Recommendations: Actions proposed to the UCF president for completion of the investigation process. They may indicate that no action is deemed necessary or include suggestions for particular appropriate actions to be taken.

Report: Information conveyed directly to EO/AA, or to that office from another university representative receiving information. An individual using that format may forego an individual remedy in favor of a generalized corrective action. That individual in some cases may be describing a situation that does not meet the definition of discrimination or retaliation, so jurisdiction within EO/AA will be declined.

Report Findings: Statements believed to be true given the best evidence available, made within the Investigation Report.

Statement of Allegations: Initial document framing the issues presented by the grievant. It is used to announce the charges to the respondent and other individuals whose responsibilities require them to be informed. The statement is normally extracted from the grievance statement and interview(s) with the grievant. It is normally prepared in a manner reflecting the prima facie case of discrimination that would be made if the allegations were substantiated.

UCF Discrimination Grievance Procedure: Defined set of actions taken by UCF in accordance with UCF Regulation 3.0134. Supplemented by the EO/AA office's policies and procedures.

Reports of all domestic violence, dating violence, sexual assault, and stalking made to the UCF Police Department will automatically be referred to the Title IX Coordinator for investigation regardless if the complainant chooses to pursue criminal charges.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, UCF's ability to respond to the complaint may be limited.

Confidentiality

UCF will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document.

For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Rules of Conduct. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by UCF.