



**AGENDA**

**THE UNIVERSITY OF WEST FLORIDA  
BOARD OF TRUSTEES**

**Student Affairs Committee Meeting  
March 3, 2015**

**University of West Florida Conference Center  
11000 University Parkway, Pensacola, FL**

**Call to Order/Roll Call . . . . . Jay Patel, Chair**

**Chair's Greetings . . . . . Jay Patel**

**Action Item(s):**

**Information Item(s):**

- 1. Title IX Update**
- 2. Counseling and Psychological Services Informational Update**
- 3. Student Conduct Statistics**
- 4. UWF REG 5.010 Educational Research Center for Child Development (ERCCD)**

**Other Committee Business:**

**Adjournment**

**UWF Board of Trustees Meeting**

Student Affairs Committee

March 3, 2015

**Issue:** Title IX (Sexual Misconduct, Sexual Violence and Gender Based Harassment) Update

**Proposed action:** Provide the Student Affairs Committee of the UWF Board of Trustees with an update on current Title IX related initiatives.

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**Background information:** In April 2011, the Office of Civil Rights in the Department of Education issued a “Dear Colleague Letter” related to the manner in which colleges and universities handled allegations of sexual misconduct and gender-based discrimination. On August 29, 2013, the Student Affairs Committee of Board of Trustees adopted a Title IX Policy for UWF. An update on Title IX efforts was given to the Board of Trustees on December 13, 2013 by Dr. Brandon Frye and Dr. Kevin Bailey. Another update was given to the Student Affairs Committee on May 23, 2014 by Title IX Coordinator Cindy Faria. In April 2014, the White House published a report, You Are Not Alone, which describes the problem of sexual assault on college campuses and what should be done about it. In addition, the Office of Civil Rights published guidance that helps Universities respond to the original “Dear Colleague Letter.” And most recently, legislation (Campus Safety and Accountability Act) is under consideration that would require institutions that receive federal financial funds to comply with certain requests or face penalties for failure to do so. On August 14, 2014, a Title IX update was given to the Student Affairs Committee by Interim Title IX Coordinator, Dr. Brandon Frye.

Given the national attention devoted to Title IX, this presentation will include a Title IX administrative update, a review of the UWF “Resource Guides,” sexual and gender violence data, “It’s on Us” campaign, and the proposed revised Title IX Policy for the Committee’s review.

**Recommendation:** For information only

**Implementation Plan:** The new policy would go into effect immediately.

**Fiscal Implications:** NA

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**Supporting documents:** Re line policy, final policy, resource handout for students, resource handout for employees, and PowerPoint presentation.

**Prepared by:** Karen Rentz, Title IX Coordinator, Director of Equal Opportunity & Compliance, 850-474-2175, [krentz@uwf.edu](mailto:krentz@uwf.edu)

**Presenters:** Karen Rentz, Title IX Coordinator and Mica Hughes-Harrell, Director of Wellness Services



University of  
**West Florida**

**Title IX Update**

Karen Rentz and Mica Hughes-Harrell  
Directors of Equal Opportunity & Compliance and Wellness Services

# Title IX Policy Update

## Updates include:

- Definitions
- Prohibited Conduct & Standards
- Outlined Process/Steps
- Confidentiality
- Additional Intake meeting
- Timing of the Investigation

# Other Title IX Updates

- Resources Handouts
- Webpage
- Grants
- Training

# Fall 2014

(Aug. 2014 – Dec. 2014)

- Total Cases: 36
- Cases resulting in a violation: 2
- Reported by:
  - Faculty/Staff: 15
  - Police: 12
  - Residence Life: 8
  - Self Reported: 1
- Over one-third of cases lacked Complainant's participation

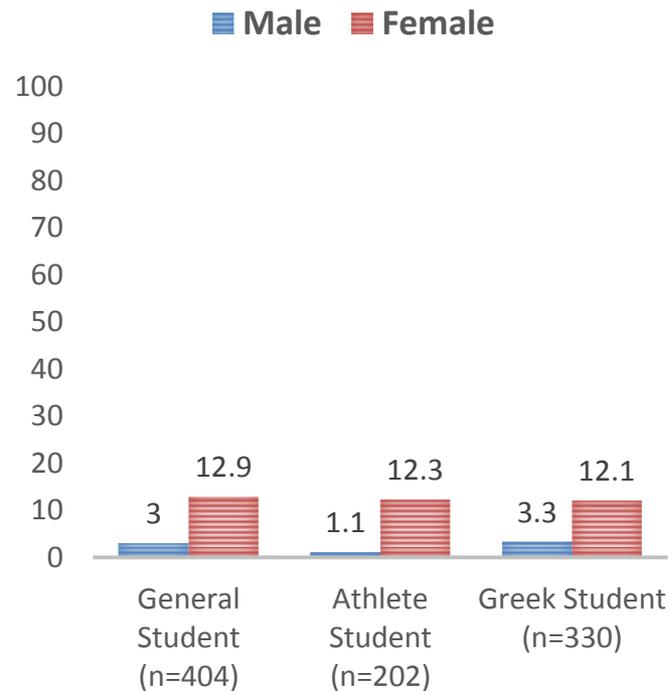


University of  
**West Florida**

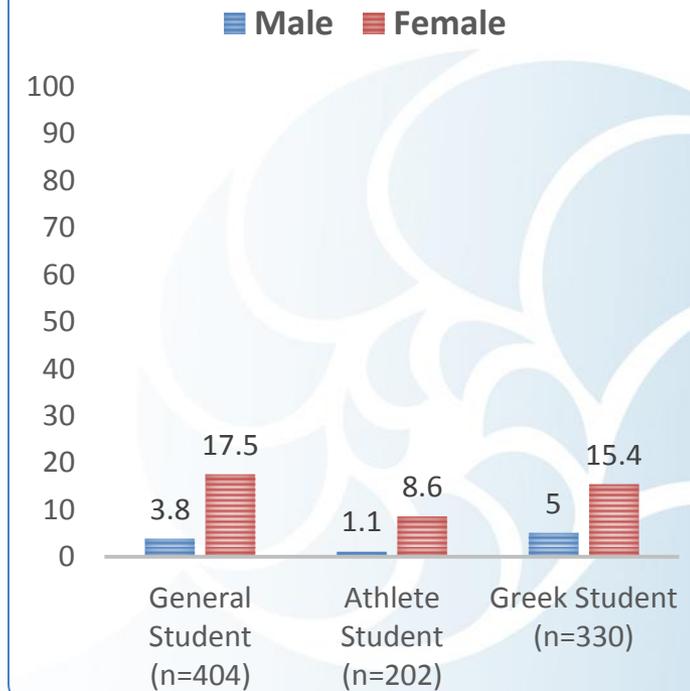
Sexual and Gender Violence Data

# % of Students Indicating "Yes"

Have you been forced to have sex against your will?

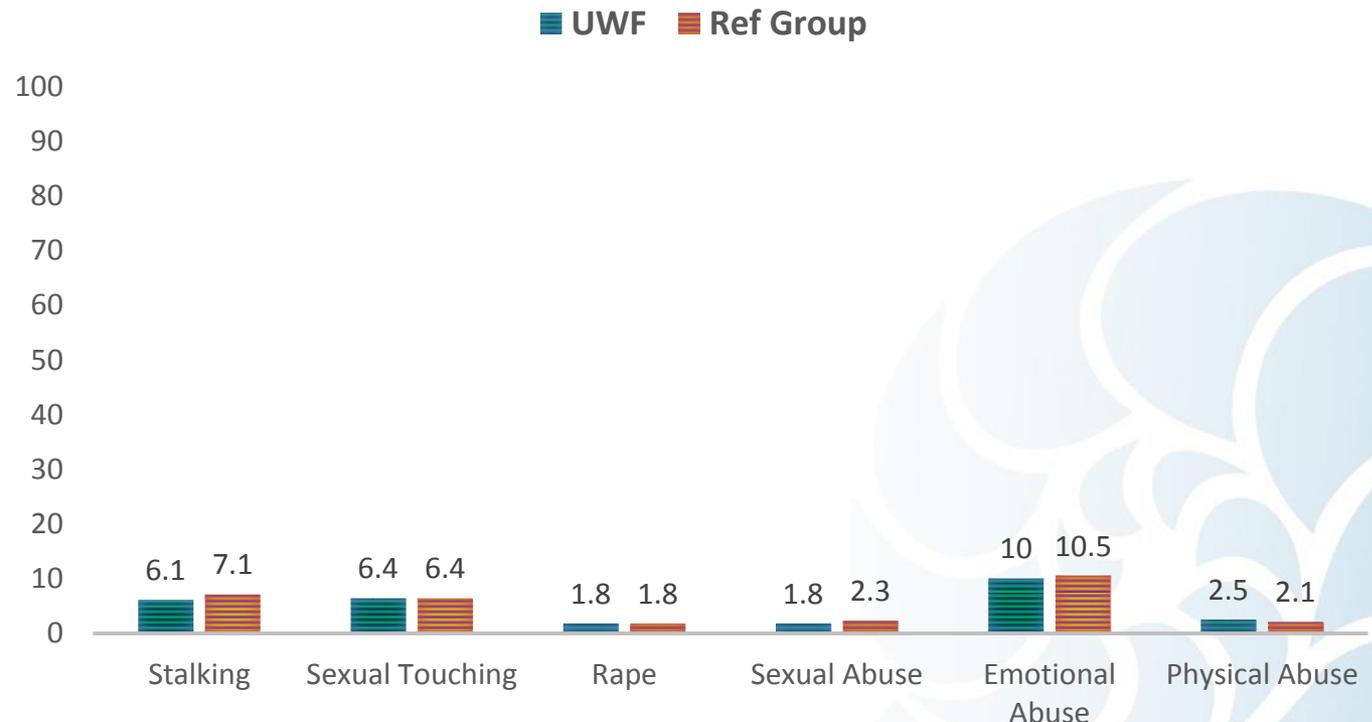


Have you been taken advantage of when you could not consent to sex?



# UWF Compared with National Reference Group

## Student Reported Rates of Sexual/Gender Violence



2013 National College Health Assessment

UWF: n = 976

9

National Reference Group: n = 96,611

# “Its On Us”



- White House Campaign, Fall 2013
  - Increase Personal Responsibility to Intervene and Prevent Rape/Rape Culture.
  - Engage Men
  - Increase Awareness



- UWF Tailored Campaign, Spring 2014
  - Website
    - [uwf.edu/itsonus](http://uwf.edu/itsonus)
  - Social Media
    - #itsonusuwf #itsonus
  - Campus Marketing Campaign
  - Student Video
  - Take Back the Night

Questions?

# Resources for Sexual Misconduct, Sexual Violence, and Gender-Based Discrimination (Employee)

## Title IX Investigation: What It Is and What to Expect

Title IX of the Education Amendments of 1972 was the first comprehensive federal law to prohibit sex/gender discrimination in educational institutions. It is a federal anti-discrimination law that ensures equality in education. The regulations implementing Title IX prohibit discrimination, exclusion, denial, limitation, or separation based on sex/gender.

The University of West Florida's Sexual Misconduct and Gender-Based Discrimination Policy P-14.01-11/13 ("the Policy") prohibits sex/gender based discrimination, including sexual misconduct and sexual violence. It is important for you to know what to expect as the University investigates potential violations of the Sexual Misconduct and Gender-Based Discrimination Policy.

Once the University has been notified that this Policy may have been violated, the following steps are taken:

1. Separate intake meetings are scheduled with the Complainant and Accused to discuss the allegation(s) and determine if any interim actions are necessary.
2. The Intake Officer provides notes of this meeting to the Title IX Coordinator in order to determine if the information warrants further investigation.
3. Threshold Phase
  - a. If the Title IX Coordinator determines that, assuming the allegations to be true, the conduct alleged would not violate the Policy, the investigation will not proceed. However, interim measures may still be put in place, modified, or continued.
  - b. If it is decided that there is sufficient evidence to move an investigation forward, the case is forwarded to a Title IX investigator, and the parties will be notified that an investigation has begun.
4. As part of the investigation, the Accused, Complainant, and any witnesses will be interviewed and information will be gathered and reviewed.
5. At the conclusion of the investigation, the Title IX Investigator will submit a written report to the Title IX Coordinator for review.
6. After review by the Title IX Coordinator, the report will be sent to the Complainant and Accused. Both parties will have an opportunity to review and respond to the report.

7. The Title IX Coordinator will review any comments from the Complainant and Accused and will make a Final Determination on whether the Sexual Misconduct and Gender-Based Discrimination policy was violated.
8. If there is a policy violation, the report will be sent to the Vice President over the area in which the Accused employee works and the Director of Human Resources. See policy HR-22.00-2004/07 Standards of Conduct for more information related to this topic.

**You have the right to:**

- A timely investigation.
- A fair and equitable process.
- To be free from retaliation.
- Choose your level of participation in the investigation process. You may choose to be fully involved or you may choose to not be involved at all. (The University may pursue the investigation even if you choose not to participate in order to protect the University Community).
- Have an advocate/advisor of your choice with you during investigative meetings and/or interviews.
- Receive a copy of the investigative findings and the Final Determination made by the Title IX Coordinator.

**Time Limitations on Making a Complaint:**

- There is no time limit or statute of limitations to making a complaint of sexual misconduct, sexual violence or gender-based discrimination under the Sexual Misconduct and Gender-Based Discrimination Policy. Nevertheless, individuals are encouraged to report alleged sexual misconduct, sexual violence and gender-based discrimination immediately in order to maximize the University's ability to conduct a thorough, impartial and reliable investigation. Failure to promptly report alleged sexual misconduct, sexual violence and gender-based discrimination may result in the loss of evidence and witness testimony, and may impair the University's ability to enforce the Sexual Misconduct and Gender-Based Discrimination Policy.
- Individuals may file a complaint and choose to not participate in the investigation. In such cases, the University may investigate the case without the individual's participation. If the individual later decides to participate, that participation will be welcome.

**Criminal Investigations:**

Any individual who believes he or she may have been the victim of sexual assault or sexual violence has a right to pursue a criminal investigation with law enforcement separate from the University process.

### **Interim Measures:**

Individuals may have rights to interim measures designed to prevent recurrence of the discriminatory behavior, prevent retaliation, and limit negative effects that may be experienced. Such measures, if taken, will be from a “Victim centered” approach so as not to inequitably burden the Complainant.

An example of interim measures include, but are not limited to:

- Employment measures/interventions - such as separate work schedules, alternate work assignments or reassignment to other areas.

### **Confidentiality**

Responsible University Employees are **under obligation to report** possible violations of sexual misconduct, sexual violence, and gender-based discrimination to the Title IX Coordinator for investigation.

However, employees can **confidentially** discuss sexual misconduct, sexual violence, or gender-based discrimination complaints or accusations with counselors provided through the University’s Employee Assistance Program (EAP).

## **Campus Resources for Employees**

The **UWF Police Department** is a helpful resource and can be reached at <http://uwf.edu/uwfpolice>. Should an individual desire to initiate a criminal investigation, which is a separate process than a Title IX investigation, the UWF Police Department can be reached at 850-474-2415.

The UWF Human Resources Department offers a confidential **Employee Assistance Program (EAP) through AETNA Resources**. Some of the services offered through the EAP include: social development, stress management, anxiety and depression, advice on legal and financial matters, and substance abuse. To utilize this free service, call AETNA at 1-800-272-7252 or log into [www.mylifevalues.com](http://www.mylifevalues.com) (username: UWF and password: UWF).

## **Community Resources**

### **Rape Crisis and Trauma Recovery Center**

**Lakeview Center’s Victim’s Services** is a Certified Rape Crisis Center offering free Trauma Recovery counseling for victims of crime, whether or not the crime has been reported to law enforcement.

**Office Hours:** M-F 8am - 5pm  
**Contact:** (850) 469-3800

Lakeview's Rape Crisis Center also offers:

- **Victim Advocates** who are not affiliated with Law Enforcement and are available 24/7. Victim Advocates can offer assistance during the aftermath of an assault, including attending medical/forensic exams, offering support through the Title IX and/or criminal investigations, and can help an individual understand his or her options and rights.
- **24/7 Rape Crisis Hotline** offering free, confidential information, referral, and counseling.

Call (850) 433-RAPE (7273) to request a  
Victim Advocate or to speak with a Rape Crisis Counselor.

### **Emergency Room Services**

The emergency rooms in all hospitals located in Escambia or Santa Rosa County offer medical and trauma exams. Victims of sexual assault or rape should request a trauma exam from a Sexual Assault Nurse Examiner (SANE). A sexual assault forensic examination and evidence collection can be done up to five days after the assault. The SANE examiner will explain all aspects of the medical forensic examination, obtain consent for the examination, and collect evidence if desired. Treatment for STD's and emergency contraception may also be requested. Forensic evidence can be collected without reporting to law enforcement. The sexual assault examination kit will be stored for four years, in the event an individual chooses to initiate legal action.

### **Domestic Violence Center**

**Favor House of Northwest Florida** offers a variety of resources for victims of domestic/relationship violence including 24/7 crisis lines, shelters, outreach counseling, and transitional housing. To inquire about services or seek emergency shelter, contact their 24/7 crisis line at 850.434.6600 or 850.994.3560. Additional information about safety and services can be found at [www.favorhouse.org](http://www.favorhouse.org)

### **Law Enforcement**

#### **Escambia County:**

<b>Pensacola Police Department</b>	(850) 435-1900
<b>Escambia County Sheriff's Office</b>	(850) 436-9630

#### **Santa Rosa County:**

<b>Santa Rosa County Sheriff's Office</b>	Pace:	(850) 983-1191
	Milton:	(850) 983-1100
	Jay:	(850) 675-4335

<b>Gulf Breeze Police Department</b>	(850) 934-5121
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## **Other Resources**

**Not Alone - <https://www.notalone.gov/>**

Provides information and resources for how to respond to and prevent sexual assault on campus.

**Florida Council Against Sexual Violence - <http://fcasv.org/>**

A statewide non-profit organization committed to victims and survivors of sexual violence and the sexual assault crisis programs who serve them.

**National Sexual Violence Resource Center - [nsvrc.org](http://nsvrc.org)** A national organization whose mission is to provide leadership in preventing and responding to sexual violence through collaboration, sharing and creating resources, and promoting research.

**Rape Abuse & Incest National Network - [rainn.org](http://rainn.org)**

The Nation's largest anti-sexual assault organization that provides an online hotline, national phone hotline, referrals to local service providers, and other information/resources.

**National Domestic Violence Hotline – [thehotline.org](http://thehotline.org)**

A national organization that offers 24/7 free and confidential chat and phone hotline services for anyone experiencing a violent/unhealthy relationship or are questioning their relationship. They also offer education and awareness.

**Love is Respect – [loveisrespect.org](http://loveisrespect.org)**

A resource dedicated for people who are questioning their relationship or have experienced an unhealthy/abusive relationship, stalking, or sexual violence. They offer online resources as well as phone and text hotlines.

**Anti-Violence Project – [avp.org](http://avp.org)**

AVP offers a 24/7 hotline, counseling, education, and advocacy for lesbian, gay, bisexual, transgender, queer, and HIV-affected individuals who have experienced violence, discrimination, or harassment in the form of Hate Violence, Intimate Partner Violence, Sexual Violence, HIV-Related Violence, or Institutional Violence.

# Resources for Sexual Misconduct, Sexual Violence and Gender-Based Discrimination (Student)

## Title IX Investigation: What It Is and What to Expect

Title IX of the Education Amendments of 1972 was the first comprehensive federal law to prohibit sex/gender discrimination in educational institutions. It is a federal anti-discrimination law that ensures equality in education. The regulations implementing Title IX prohibit discrimination, exclusion, denial, limitation, or separation based on sex/gender.

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  - b. If it is decided that there is sufficient evidence to move an investigation forward, the case is forwarded to a Title IX investigator, and the parties will be notified that an investigation has begun.
4. As part of the investigation, the Accused, Complainant, and any witnesses will be interviewed and information will be gathered and reviewed.
5. At the conclusion of the investigation, the Title IX Investigator will submit a written report to the Title IX Coordinator for review.
6. After review by the Title IX Coordinator, the report will be sent to the Complainant and Accused. Both parties will have an opportunity to review and respond to the report.

7. The Title IX Coordinator will review any comments from the Complainant and Accused and will make a Final Determination on whether the Sexual Misconduct and Gender-Based Discrimination policy was violated.
8. If there is a policy violation, the report will be sent to the Dean of Students Office for a determination of whether formal charges as described in the Student Code of Conduct will be initiated.

**You have the right to:**

- A timely investigation.
- A fair and equitable process.
- To be free from retaliation.
- Choose your level of participation in the investigation process. You may choose to be fully involved or you may choose to not be involved at all. (The University may pursue the investigation even if you choose not to participate in order to protect the University Community).
- Have an advocate/advisor of your choice with you during investigative meetings and/or interviews.
- Receive a copy of the investigative findings and the Final Determination made by the Title IX Coordinator.

**Time Limitations on Making a Complaint:**

- There is no time limit or statute of limitations to making a complaint of sexual misconduct, sexual violence or gender-based discrimination under the Sexual Misconduct and Gender-Based Discrimination Policy. Nevertheless, individuals are encouraged to report alleged sexual misconduct, sexual violence and gender-based discrimination immediately in order to maximize the University's ability to conduct a thorough, impartial and reliable investigation. Failure to promptly report alleged sexual misconduct, sexual violence and gender-based discrimination may result in the loss of evidence and witness testimony, and may impair the University's ability to enforce the Sexual Misconduct and Gender-Based Discrimination Policy.
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### **Interim Measures:**

Individuals may have rights to interim measures designed to prevent recurrence of the discriminatory behavior, prevent retaliation, and limit negative effects that may be experienced. Such measures, if taken, will be from a “Victim centered” approach so as not to inequitably burden the Complainant.

Examples of interim measures include, but are not limited to:

- “No contact order” (The University may direct parties to have no contact with one another)
- On-campus employment measures/interventions. If the issue impacts on-campus employment environment, steps may be able to be taken to ensure separate work schedules, alternate assignments, or reassignment to other areas.

### **Confidentiality:**

Responsible University Employees are **under obligation to report** possible violations of sexual misconduct, sexual violence, and gender-based discrimination to the Title IX Coordinator for investigation.

However, students can **confidentially** discuss sexual misconduct, sexual violence or gender-based discrimination complaints or accusations with mental health providers at UWF’s Counseling and Psychological Services (CAPS) or with victim advocates.

## **Campus Resources for Students**

**UWF Counseling and Psychological Services (CAPS)** can be reached by calling 850-474-2420 or at <http://www.uwf.edu/counselingservices/>. CAPS has counselors on staff who can be of assistance and support and can provide confidentiality for any information shared. This service is available to students at no cost, 24 hours a day.

**UWF Wellness Service** provides prevention and awareness education for sexual misconduct, sexual violence, and gender-based discrimination. Wellness Service offers comprehensive information about sexual violence, relationship violence, stalking, and sexual/gender-based harassment on its website, <https://uwf.edu/wellness/> and offers educational services to students individually or in group settings.

The **UWF Police Department** is a helpful resource and can be reached at <http://uwf.edu/uwfpolice>. Should a student desire to initiate a criminal investigation, which is a separate process than a Title IX investigation, the Police Department can be reached at 850-474-2415.

### **Dean of Students:**

- **Office of Student Rights and Responsibilities (OSRR)** is responsible for addressing alleged violations of the Student Code of Conduct. The phone number

for OSRR is 850-474-2384. For information about the Student Code of Conduct, you may consult the *UWF Student Handbook* which can be found online at <http://www.uwf.edu/studenthandbook/>.

- **Office of Student Case Management Services** provides assistance to students navigating difficult issues and offers support. Students can utilize these services by calling 850-474-2384 or online at <http://uwf.edu/offices/dean-of-students/>.

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<b>Gulf Breeze Police Department</b>		(850) 934-5121

## **Other Resources**

### **Know Your IX - <http://knowyourix.org/>**

A campaign that aims to educate college students in the US about their rights under Title IX.

### **Not Alone - <https://www.notalone.gov/>**

Provides information and resources for how to respond to and prevent sexual assault on campus.

### **Florida Council Against Sexual Violence - <http://fcasv.org/>**

A statewide non-profit organization committed to victims and survivors of sexual violence and the sexual assault crisis programs who serve them.

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A resource dedicated for people who are questioning their relationship or have experienced an

unhealthy/abusive relationship, stalking, or sexual violence. They offer online resources as well as phone and text hotlines.

### **One Love Foundation**

One Love Foundation offers free apps for smart phones and other electronic devices through the play store associated with Apple and Android operating systems.

- **One Love MyPlan App** assesses relationship safety and helps to create a personalized safety action plan. The app also provides access to trained advocate support 24/7 through an embedded live chat function.
- **One Love Danger Assessment App** is designed specifically for 16-24 year olds to assess the safety and health of their relationship. It offers a live chat function that provides 24 hour support through your phone.

### **Anti-Violence Project – [avp.org](http://avp.org)**

AVP offers a 24/7 hotline, counseling, education, and advocacy for lesbian, gay, bisexual, transgender, queer, and HIV-affected individuals who have experienced violence, discrimination, or harassment in the form of Hate Violence, Intimate Partner Violence, Sexual Violence, HIV-Related Violence, or Institutional Violence.

UWF Student Reported Rates of Sexual/Gender Violence

**Social Experiences Baseline Survey – UWF Data Spring 2014**

% of students in the sample who answered Yes to the following questions.

	General Student Population (n = 404)	Athlete Population (n = 202)	Greek Population (n = 330)
Have you been forced to have sex against your will	9.6	7.4	9.4
Have you been taken advantage of when you could not consent to sex	12.9	5.5	11.5

**NCHA – UWF Data (national reference group)**

% of students in the sample who reported:

	2005 (n = 855)	2008 (n = 830)	2011 (n = 888)	2013 (n = 976)
As a result of their drinking, had sex w/o giving consent	.5 (1.4)	.6 (1.3)	2.4 (2.1)	2.9 (1.8)
Experienced a sexually abusive intimate relationship in the last 12 months	1.5 (1.6)	1.6 (1.5)	1.5 (1.6)	2.3 (1.8)
Experienced an emotionally abusive intimate relationship in the last 12 months	15.2 (1.3.)	14.6 (12.4)	11.8 (9.8)	10.5 (10)
Experienced a physically abusive intimate relationship in the last 12 months	3.1 (2.0)	3.1 (2.0)	2.3 (2.2)	2.1 (2.5)
Experienced stalking in the last 12 months *question was not asked prior to 2011*	*	*	6.8 (5.9)	7.1 (6.1)

**Comment [MH1]:** Prior to 2011, both graduate and undergraduate data was combined. After 2011, the national reference group is specifically undergrad students, which is what our data is.

**Comment [MH2]:** Prior to 2011, the questions did not include the word “intimate”. Additionally, prior to 2011 the time frame was defined as “previous year”.

**Comment [MH4]:** Prior to 2011, the question asked was: College students who drank alcohol reported “having someone use force or threat of force to have sex with them” as a result of their own drinking.

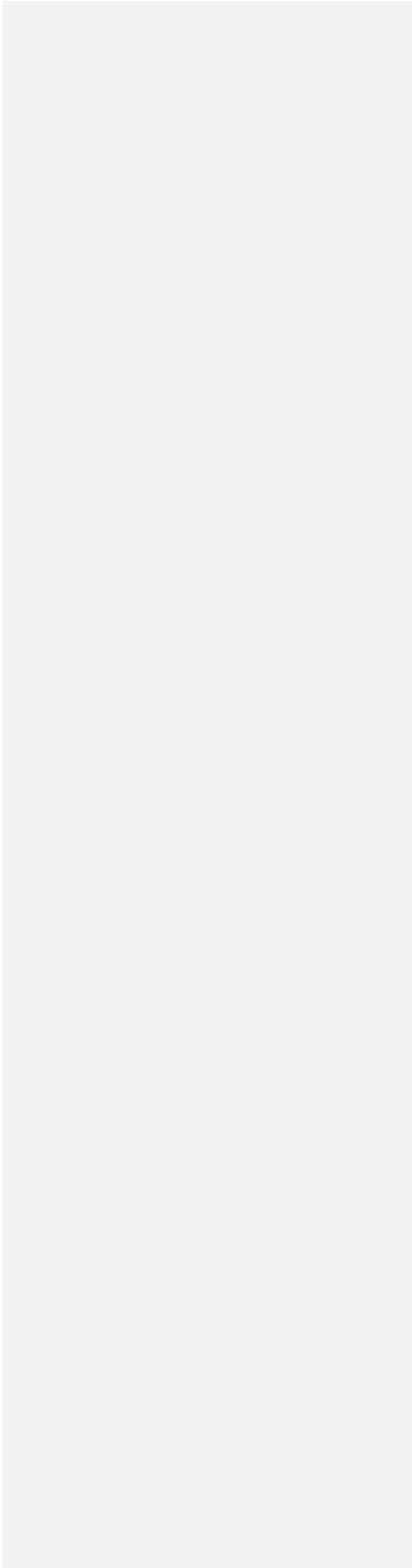
**Comment [MH3]:** After 2011, the question asked is: College students who drank alcohol reported experiencing the following in the last 12 months when drinking alcohol – “Someone had sex with me without my consent”

**CORE Alcohol and Drug Survey – UWF Data (national reference group)**

% of students in the sample who reported:

	2009 (n = 811)	2010 (n = 813)	2012 (n = 758)
Experiencing forced sexual touch or fondling in the last year	2.7 (4.0)	2.2 (3.9)	1.9 (4.1)
Experiencing unwanted sexual intercourse in the last year	2.0 (2.8)	2.1 (2.6)	2.5 (2.6)
Have been taken advantage of sexually due to their drinking/drug use	6.1 (8.5)	4.1 (8.5)	5.8 (8.3)

UWF Student Reported Rates of Sexual/Gender Violence



**UNIVERSITY POLICY P-14.01-11/13 14.02-02/15**

**TO:** University of West Florida Community

**FROM:** Dr. Judith Bense, President

**SUBJECT:** Sexual Misconduct, Sexual Violence, and Gender-Based Discrimination and Retaliation Policy

**AUTHORITY:** Title IX of the Higher Education Amendments of 1972

This Policy covers complaints of alleged "Sexual Misconduct and, Sexual Violence," "Gender-Based Discrimination" and "Retaliation" made at the University of West Florida ("UWF" or the "University") by UWF individuals who are students, employees, and students or participants in University sponsored-programs at the time of the alleged incident.

Policy:

**SECTION 1 - INTRODUCTION**

**A. Overview and Purpose**

The University of West Florida is committed to providing an environment that is free of Sexual Misconduct and Sexual Violence, Gender-Based Discrimination and Retaliation, as those terms are defined in this Policy. "Sexual Misconduct and Sexual Violence," as defined by this Policy comprises a broad range of behavior that is not tolerated prohibited in the UWF community including . For the purposes of this Policy, "Sexual Misconduct" includes "Sexual Exploitation," "Sexual Harassment, Non-Consensual Sexual Contact and, and Non-Consensual Intercourse," "Dating Violence," "Domestic Violence," "Sexual Harassment," "Stalking" and "Violence Based on Gender. each as more fully defined below. In addition, this Policy covers "Gender-Based Discrimination," which is differential treatment because of an individual's sex/gender, and "Retaliation" which is a materially adverse action taken against someone who has participated in a complaint made under this Policy, or opposed practices prohibited by this Policy.

Sexual Misconduct and Sexual Violence, Gender-Based Discrimination and Retaliation (hereinafter "Prohibited Conduct") are prohibited under this Policy and State and Federal law and regulations.

As a recipients of Federal funds, the University is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* ("Title IX"), which prohibits discrimination on the basis of sex in education programs or activities. Sexual Misconduct and Sexual Violence, and Gender-Based Discrimination, and Retaliation as defined in this Policy, are forms of sex discrimination prohibited by Title IX. The University of West Florida is committed to providing programs, activities and an educational environment free from such Prohibited Conduct. sex and gender discrimination.

The University of West Florida is committed to fostering a community that promotes prompt reporting of all types of Prohibited Conduct. Creating a safe environment is the responsibility of all members of

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the

University

community.

This Policy is designed to provide an equitable process through which an affected individual can report Prohibited Conduct. Through this Policy, the University strives to provide fairness to both the Complainant and the Accused while ensuring protection for the Complainant under Title IX and providing applicable process rights to the Accused.

**B. Definitions**

For the purposes of this Policy, the following definitions apply:

- (1) **Accused** - the Accused is an individual(s) who allegedly violated this Policy. Where the Accused is not a current student or employee, this policy may not apply; however, other University policies may be used to investigate the matter reported and/or to take remedial action.
- (2) **Complainant** - the Complainant is an individual who is a UWF student, as defined by the Student Code of Conduct, is a University employee (including a volunteer), or who was a participant in a University sponsored program at the time of the alleged incident, and who files a complaint under this Policy.
- (3) **Complaint** – a complaint based on Prohibited Conduct as defined by this Policy.
- (4) **Dating Violence** - any assault, aggravated assault, battery, aggravated battery, sexual battery, stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature as defined by Florida Law. For the State of Florida definition of Dating Violence see Section 784.046 (1)(d) Florida Statutes.
- (5) **Dean** – the Dean of Students or his/her designee. The University has designated the Dean as the Deputy Title IX Coordinator. Dean’s Office – means the Office of the Dean of Students, Building 21, Room 130.
- (1)(6) **Domestic Violence** - any assault, aggravated assault, battery, aggravated battery, sexual battery, 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. For the State of Florida definition of Domestic Violence see Section 741.28(2), Florida Statutes.
- (7) **Effective Consent** – Effective Consent is an affirmative act or statement by each person that is informed, freely given and mutually understood. It is the responsibility of each person involved in any sexual activity to ensure that he or she has the consent of the other or others to engage in the sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time. Within each sexual encounter, there may be separate individual sexual acts involved, and consent to one act by itself does not constitute consent to another act. Lack of protest or resistance does not mean consent, nor does silence mean that consent has been granted. words or actions that show an intelligent, knowing and voluntary agreement to engage

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in mutually agreed-upon sexual activity. Effective Consent cannot be gained by force, intimidation, threats, by ignoring or acting in spite of the objections of another, by coercion, manipulation or assumption, or from an individual who is incapacitated. Effective Consent is also absent when the activity in question exceeds the scope of effective consent previously given.

Lack of physical or verbal resistance does not necessarily equate to effective consent. The existence of a dating relationship between the persons involved, or the fact of past sexual relations, should never by itself be assumed to be an indicator of consent for any current or future sexual encounter. Because consent may be difficult to discern without verbal communication, individuals are strongly encouraged to err on the side of caution. In other words, if an individual is unsure whether or not there is consent, he or she should ask.

(2) In the State of Florida, a minor under the age of 18 cannot consent, unless the minor is 16 or 17 years of age and the sexual activity is with a person 23 years of age or younger. For the State of Florida definition of Consent to sexual activity, see Section 794.011, Florida Statutes.

(3)(8) **Force** – Physical force, violence, threat, intimidation or coercion.

(4) (9) **Gender-Based Discrimination** - The unfavorable disparate treatment of any individual because of that person's gender. University programs and activities which receive federal funds must operate in a nondiscriminatory manner.

Gender-Based Discrimination is differential treatment taken because of an individual's sex/gender, sexual orientation or gender identity, unless the conduct is based on a *bona fide* employment or educational requirement. Some examples are:

- (a) disparity in hiring, promotion, salary, termination and other terms and conditions of employment,
- (b) disparity of treatment in educational programs, activities and related services, and
- (c) limitations on an individual's participation in University activities.

(10) **Incapacitation** – is a temporary or permanent state in which a person cannot make informed, rational judgments because the person lacks the physical or mental capacity to understand the nature or consequences of their words and/or conduct, and/or the person is unable to physically or verbally communicate consent. The physical and/or mental inability to make informed, rational judgments States of incapacitation include, but are not limited to, sleep, blackouts, flashbacks and intoxication. However, where alcohol or another drug is involved, an individual does not have to reach the level of being intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the alcohol or drug consumed impacts an individual's decision-making capacity, awareness of consequences, and ability to make informed judgments and ability to communicate unwillingness.

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(5) Because incapacitation may be difficult to discern, students individuals are strongly encouraged to err on the side of caution. In other words, if an individual is unsure whether someone is incapacitated, he/she should assume that the person is incapacitated. Note: Being intoxicated or drunk is never a defense to a charge of Sexual Misconduct under this Policy. The Accused cannot defend a charge of Sexual Misconduct/Sexual Violence by asserting that he or she was intoxicated.

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(6) (11) **Intake Officer** – The individual(s) designated by the Title IX Coordinator to conduct the initial meeting with the a Complainant and the initial meeting with the Accused. as designated by this Policy. These initial meetings includes information about this Policy, the procedures and available resources.

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(12) **Investigators** – The individuals designated by the University Title IX Coordinator to conduct investigations of alleged SProhibited Conductsexual Misconduct and Gender-Based Discrimination under this Policy.

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(7) (13) **Non-Consensual Sexual Contact-Sexual Contact that occurs without Effective Consent.10. Non-Consensual Sexual Intercourse-Sexual Intercourse that occurs without Effective Consent.**

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**Non-Consensual Sexual Contact or Non-Consensual Sexual Intercourse** – sexual contact or intercourse that occurs without Effective Consent (may be referred to as Rape, or Sexual Assault). For State Florida definition of Sexual Battery, see Section 794.011, Florida Statutes.

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(14) **Preponderance of Evidence** – the greater weight of the evidence; more likely than not; the party that, on the whole, has the stronger evidence, however slight the edge may be.

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(15) **Prohibited Conduct** – conduct that constitutes one or more of the following and is prohibited by this Policy: Dating Violence, Domestic Violence, Gender-Based Discrimination, Non-Consensual Sexual Contact or Non-Consensual Sexual Intercourse, Retaliation, Sexual Exploitation, Sexual Harassment, Stalking and/or Violence Based on Gender.

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(16) **Protected Activity** – includes any of the following: (a) reporting conduct which is prohibited by this Policy, (b) participating in the investigation of a Complaint of Prohibited Conduct, or (c) opposing or protesting practices which are prohibited by this Policy.

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(17) **Protected Class** – The classes protected under this Policy are sex/gender, sexual orientation, and gender identity.

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(18) **Responsible University Employee** – a University employee who has the authority to take action to address an allegation of Prohibited Conduct and/or has the duty to report the alleged Prohibited Conduct to appropriate University officials.

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(19) **Retaliation** – materially adverse actions, including intimidation, threats, and harassment, taken against a Complainant, a witness or individual because he/she engaged in a Protected Activity.

(20) **Sexual Contact** – The deliberate touching (including anal or vaginal penetration with an object) of a person’s intimate parts (including genitalia, groin, breast or buttocks or clothing covering any of those areas), or using Force to cause a person to touch his or her own or another person’s intimate parts.

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(21) **Sexual Exploitation** - Taking sexual advantage of another person without Effective Consent, which includes, but is not limited to, causing or attempting to cause the incapacitation of another person so as in order to gain or facilitate a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of sexual activity or intimate parts of another person without that person’s Effective Consent; allowing third parties to observe sexual acts without the Effective Consent of all participants; engaging in voyeurism; exposing one’s genitals to another without Effective Consent; and/or knowingly or recklessly exposing another person to a significant risk of a sexually transmitted infection, including HIV.

(8) (22) **13. Sexual Harassment** - Unwelcome conduct, based on sex or/ gender, sexual orientation or gender identify, that is sufficiently severe or pervasive and objectively offensive so that it alters the terms and conditions of the Complainant’s employment or limits a student’s equal access to educational environment.programs or opportunities. Sexual harassment may include, for example, unwanted sexual advances, requests for sexual favors, and acts of sexual violence. or other physical or verbal conduct of sexual nature.

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(9) **Sexual Intercourse** – 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.

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(24) **Sexual Misconduct and Sexual Violence** – a broad term encompassing “Sexual Exploitation,” “Sexual Harassment,” “Non-Consensual Sexual Contact,” and “Non-Consensual Sexual Intercourse,” and Dating/Domestic Violence, Stalking when the victim was chosen as a target for stalking because of his or her gender and other acts of Violence Based on Gender as defined in this policy. Sexual Misconduct and Sexual Violence can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct and Sexual Violence can be committed by men or by women, and it can occur between people of the same or different sex.

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(25) **Stalking** – willfully, maliciously, and repeatedly following, harassing, or cyberstalking another person where the victim was targeted due to his or her sex/gender, sexual orientation or gender identity. For the State of Florida definition of Stalking see Section 784.048, Florida Statutes.

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(10) (26)

(11) **Student Code of Conduct UWF/REG 3.010** – Tthe Student Code of Conduct is the UWF regulation governing student behavior on campus.

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(27) **Student Conduct Committee** – aAs defined by the Student Code of Conduct, the standing committee of students, faculty and staff designated to hear cases of alleged violations of the Student Code of Conduct.

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(28) **State of Florida Definitions** of sex related crimes see Chapters 784, 794, 796, 800, and 810, Florida Statutes.

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(13) **Title IX Coordinator** – University Employee with the responsibility for administering this Policy, including identifying and addressing any patterns or systematic problems that arise during the review of Title IX complaints. The Title IX Coordinator is assisted by Deputy Title IX Coordinators in the Division of Student Affairs, Athletics, and Human Resources.

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(30) **University** – tThe University of West Florida.

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(31) **Violence Based on Gender** – Any other crime or act of violence, not defined above, taken against another when the victim was targeted due to his or her sex/gender, sexual orientation or gender identity.

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(14) **University Employee** – Any person employed by the University, either full or part-time, at the time of the alleged Sexual Misconduct/Sexual Violence or Gender-Based Discrimination.

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(15) **University Student** – For the purposes of this policy, a student is any individual who is registered or enrolled at the University (a) at the time of the alleged Sexual Misconduct/Sexual Violence or Gender-Based Discrimination (including conduct that is alleged to have occurred during any academic recess, provided there is an expectation of such student’s continued enrollment at the University), and (b) at the time that the allegation is made.

**SECTION 2 – PROHIBITED CONDUCT and STANDARDS**

**A. PROHIBITED CONDUCT**

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(1) A Complainant may file a Complaint alleging that he or she was subject to Prohibited Conduct as defined in this Policy, and that this Policy was therefore violated. Conduct that constitutes one or more of the following is prohibited by this Policy and shall be referred to as "Prohibited Conduct."

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(1) Sexual Misconduct and Sexual Violence

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- (a) Sexual Harassment
- (b) Dating Violence
- (c) Domestic Violence
- (d) Non-Consensual Sexual Contact or Non-Consensual Sexual Intercourse
- (e) Sexual Exploitation
- (f) Stalking
- (g) Violence Based on Gender

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(2) Gender-Based Discrimination

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(3) Retaliation

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**B. STANDARDS**

In determining whether the alleged conduct constitutes Prohibited Conduct, as defined by this Policy, the following standards must be met:

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(1) Sexual Misconduct and Sexual Violence:

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(a) Sexual Harassment. Sexual harassment violates this Policy when any one of the following occur:

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- (i) the unwelcome conduct of a sexual nature is sufficiently severe or pervasive so as to alter the terms and conditions of the individual's employment or educational environment, where submission to unwelcome sexual requests is either explicitly or implicitly made a term or condition of employment or of an individual's educational status or success, or

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- (ii) where submission or rejection of the sexual conduct or request is the basis for employment or educational decisions affecting the individual.

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(b) Dating Violence, Domestic Violence, Non-Consensual Sexual Contact or Non-Consensual Sexual Intercourse, Sexual Exploitation, Stalking and Violence Based on Gender: The definitions listed in Section 1 apply to each of these prohibited acts. In determining whether this Policy was violated, a two-part inquiry must be answered. The inquiry is:

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- (b) (i) whether it is *more likely than not* that the conduct that was alleged occurred and
- (i)
- (ii) that whether the conduct meets the definition in Section 1B, above.

(2) **Gender-Based Discrimination.** Conduct violates this Policy when:

- (a) the Complainant is a member of a Protected Class,

- 1. (b) the Complainant was treated less favorably than similarly situated individuals who are not members of the same Protected Class, and

((c) the less favorable treatment was due to the Complainant’s membership in the Protected Class.

(3) **Retaliation.** Conduct violates the Policy when:

- (a) the Complainant engaged in a protected activity,
- (b) the Accused was aware of the protected activity,
- (c) the Complainant subsequently is subject to a material adverse action caused by the Accused, and
- (d) there a causal connection between the protected activity and the material adverse action.

- (4) **Standard of Proof.** In making these determinations, the “*more likely than not*” or “*Preponderance of the Evidence*” standard is used.

**SECTION 23 – JURISDICTION;AUTHORITY, TIMING;, RETALIATION AND RELATED MISCONDUCT; EFFECT OF CRIMINAL PROCEEDINGS and COMPLAINANT PARTICIPATION**

**A. University Authority**

Any UWF student, as defined by the Student Conduct Code, or a UWF employee (including a volunteer) or a participant in a University sponsored program may file a Complaint of Sexual Misconduct or Gender-Based Discrimination against any UWF university student or UWF employee under this Policy. . In those cases where either party is both a University student and a University employee, the Title IX Coordinator will determine, based on the nature of the allegations, the procedures to be used for addressing the alleged misconduct.

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This Policy applies to any allegation of Sexual Misconduct Gender-Based Discrimination against a University student or employee under this Policy, regardless of where the alleged Sexual Misconduct or Gender-Based Discrimination occurred. In those cases where either party is both a University student and a University employee, the Title IX Coordinator will determine, based on the nature of the allegations, the procedures to be used for addressing the alleged misconduct.

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**Off-Campus Conduct**

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The University may take action against a student or employee under this Policy for Prohibited Conduct Sexual Misconduct occurring off-campus where one or more of the following applies: (a) The conduct is disruptive to the orderly processes and functions of the University; (b) the conduct demonstrates that the continued presence of the student or employee on campus presents a danger to the health, safety or welfare of any member of the University community; (c) the off-campus conduct is intimidating or threatening to the University community or an individual within the University community; (d) The off-campus conduct is of such a serious nature that it adversely affects the student or employee’s suitability to remain a part of the University community; or (e) the off-campus conduct is such that it could constitute a violation of the law.

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**B. Timing of Complaints and Availability of Procedures**

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As long as there is University authority over the Accused Student or Accused Employee as described above, there is no time limit or statute of limitations to invoking this Policy in response to filing a Complaint of Sexual Misconduct or Gender-Based Discrimination under this Policy. Nevertheless, students and employees victims are encouraged to report alleged Prohibited Conduct Sexual Misconduct and Gender-Based Discrimination immediately in order to maximize the University’s ability to conduct a thorough, impartial and reliable investigation. Failure to promptly report Prohibited Conduct alleged Sexual Misconduct and Gender-Based Discrimination may result in the loss of evidence and witness information testimony, and may impair the University’s ability to enforce this Policy.

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**C. Retaliation**

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**It is a violation of University policy to retaliate against any person making a complaint of Sexual Misconduct or Gender-Based Discrimination, or against any person (including a witness) cooperating in the investigation of any allegation of Sexual Misconduct or Gender-Based Discrimination. For these purposes, “retaliation” includes intimidation, threats, harassment, and other adverse actions threatened or taken against a Complainant or third party. Retaliation should be reported promptly to the Title IX Coordinator (or any of the individuals listed in Section 3A), and may result in disciplinary action independent of the sanction or any interim measures imposed in response to the underlying allegations of Sexual Misconduct.**

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**C.D. Effect of Criminal Investigation/Proceedings**

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Because Prohibited Conduct Sexual Misconduct may constitute both a violation of this University Policy and criminal law, the University encourages students and employees victims to report alleged criminal conduct Sexual Misconduct promptly to local law enforcement agencies. If the alleged violation is also being investigated by law enforcement authorities, the University may delay its investigation long enough to permit law enforcement agencies to collect evidence. The University may take interim measures during the pendency of the criminal investigation.

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The standards for finding a violation of criminal law differ from the standards for finding that a violation of this Policy occurred. A violation of this Policy may be found even though Conduct may constitute Sexual Misconduct, as defined by this Policy, even if law enforcement agencies lack sufficient evidence of a crime for purposes of prosecution. If a student or employee is charged by the outside authorities with an act that is also a violation of a University rule, regulation, or policy or of the University Student Code of Conduct, the University may, but is not required to, delay its actions pending the outcome of the off-campus proceeding. The University reserves the right, however, to impose interim measures (subject to any rights the Accused Student may have), or take intervening measures, and/or to amend its charge(s) or misconduct allegations based on information obtained through an outside proceeding where that information is relevant. If the outside charges have been dismissed, are not prosecuted, are not heard, or if adjudication of guilt is withheld, such action will have no bearing on University charges and/or outcome.

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#### **D. Complainant Does Not Wish to Pursue Resolution**

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If the Complainant does not wish to pursue any remedy under this policy and/or requests that his or her Complaint remain confidential, the University will consider the Complainant's request. However, the University is required to investigate and take reasonable action in response to information reported. The Title IX Coordinator, in conjunction with the appropriate Deputy Coordinator/Investigator, will weigh the Complainant's request against the following factors:

- Whether there have been other complaints of Prohibited Conduct against the same Accused
- Whether the accusations are of a nature that the continued presence of the Accused on campus poses a threat to the safety of other community members.

The Title IX Coordinator will inform the Complainant if the University makes the determination to move forward with charges under this Policy without the Complainant's participation.

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**SECTION 34 - THE PROCESS: INITIAL STEPS and; INVESTIGATIVE PROCEDURES**

**A. Reporting Prohibited Conduct Sexual Misconduct Sexual Violence or Gender-Based Discrimination**

**(1) Reporting.** Individuals Students or employees who feel that they have been victims of Prohibited Conduct Sexual Misconduct or Gender-Based Discrimination by a UWF student or employee should file a report this information as soon as possible. Reports of Prohibited Conduct Sexual Misconduct or Gender-Based Discrimination can be made to any of the following:

- (a) Title IX Coordinator
- (b) Deputy Title IX Coordinators
- ~~The Dean of Student's Office~~
- (c) The Chief Diversity Officer/EEOC Compliance Office
- (d) Office of Equal Opportunity and Compliance
- (e) The Dean of Student's Office
- (f) The Director of Human Resources
- (g) The Office of General Counsel
- University Police
- (h)
- (i) Any other "Responsible University Employee,"

• **(defined under this Policy as any University Employee who:**

- **Has the authority to take action to address the misconduct**
- **Has the duty to report the misconduct to appropriate University officials**

**2) Obligation to Report.** Responsible University Employees have an obligation to report information received regarding Prohibited Conduct. Responsible University Employees include, but are not necessarily limited to, faculty, administrative staff, Housing and Residence Life Staff (including Resident Assistants), athletic coaches, and other individuals in similar positions etc.

Individuals defined as Responsible University Employees under this Policy who receive a report of alleged Prohibited Conduct must report the information to the Title IX Coordinator.

**(23) Confidentiality.** Students Individuals reporting Prohibited Sexual Misconduct or Gender-Based Discrimination to any Responsible University Employee should know that every effort will be made to respect the private and sensitive nature of their report. However, as required under Title IX, reports to any of the above parties **will result in a notification of the report to the Title IX Coordinator.** The Complainant will have the option of whether or not to pursue further remedies as described below, but should take note that any report to a Responsible University Employee will result, at minimum, in a written report to the campus Title IX Coordinator.

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If a student wishes to speak with someone on campus confidentially about alleged Prohibited Conduct an act of sexual misconduct or any other matter, he or she should contact and schedule an appointment with Counseling and Psychological Services (850-474-2420). If an employee wishes to do the same, he or she may contact the Employee Assistance Program (1-800-860-2058). Complainants who are participants in University sponsored programs, but are not UWF students or employees, will be provided with community counseling referrals in the intake meeting. **Any information disclosed to a counselor, mental health professional during a counseling session is considered private and confidential and is legally protected.** A counselor will encourage the Complainant to report the alleged sexual misconduct to appropriate authorities, A mental health professional is not required by Federal Law or regulation to report the incident to the Title IX Coordinator.

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University Health Center staff are not required by Federal law or regulation to report the information to the Title IX Coordinator. Additionally, Any information shared by a student regarding Prohibited Conduct alleged Sexual Misconduct with any medical provider (doctor, nurse, or administrative staff member ) in the University Student Health Center will only be reported to the Title IX Coordinator *with the student's permission*. However, disclosures to University Health Center staff are not protected by the law to the same extent as are disclosures to a mental health professional. For example, disclosures to University Health Center staff may be obtainable during the course of an investigation or by subpoena.

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**B. Amnesty from Related Misconduct Charges**

The University will not pursue student conduct code violation disciplinary charges against a student filing a Complaint under this Policy who may have been in violation of the University Student Code of Conduct at the time he or she was the subject of alleged Prohibited Conduct discriminatory conduct . For example, if a Complainant feels that he/she was sexually assaulted while under the influence of alcohol, and is under the age of 21, and files a Complaint under this Policy, the University would not pursue disciplinary action against the Complainant related to underage drinking.

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**C. Intake Meeting with the Complainant**

Upon receipt of notice of any allegation of Prohibited Conduct Sexual Misconduct or Gender-Based Discrimination, the, Title IX Coordinator will notify the appropriate University Intake Officer, who will contact the Complainant and schedule an individual intake meeting. This initial intake meeting will provide the Complainant with an understanding of this Policy, his or her The Intake Officer will explain this Policy to the Complainant, the parameters of confidentiality under this Policy, the Complainant's rights to pursue remedies under this Policy, and will serve to identify the sources of support and immediate interventions available to the Complainant on campus and in the local community. The intake meeting and may also involve a discussion of any immediate interventions or accommodations that may be appropriate concerning the Complainant's academic, University housing and/or University

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employment arrangements. In addition, the Intake Officer will provide resources and sources of support on campus and in the local community.

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#### **D. Interim Measures / Remedies**

**(1) Measures Available.** Based on the nature and seriousness of the alleged Sexual Misconduct or Gender-Based Discrimination conduct, regardless of whether or not the Complainant wishes to pursue a remedy under this Policy, the University may take interim/intervening measures as outlined in the Student Code of Conduct, or as outlined in the Procedure for the Investigation and Disposition of Formal Complaints of Discrimination, Harassment and Retaliation.

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The University will notify the Complainant of any interim remedies/measures available under this Policy. These interim measures remedies are designed to prevent the recurrence of the alleged misconduct, to prevent to prevent retaliation and to limit the negative effects of the alleged misconduct during the investigation period. The University will notify the Complainant of the interim measures available under this Policy. Depending on the circumstances, immediate remedies interim measures which may be available to a Complainant include, but are not limited to:

- **No Contact Order** – The University may issue no-contact orders between the Accused individual and the Complainant, and/or others involved.
- **On-Campus housing reassignment** – The University may complete an administrative housing reassignment in order to separate the Complainant and the Accused student. This may include reassigning the Complainant, the Accused, and/or others involved. or both.
- **Academic measures** – The University will may work with a Complainant to assist the Complainant him/her regarding his/her academic coursework. Depending on the circumstances, examples of interim measures may include working with instructors related to missed classes, assigning the Complainant or the Accused student to a new course section as scheduling permits, allowing the Complainant to finish the course requirements via distance learning or independent study, or, where applicable, providing the Complainant with a medical withdrawal from one or more courses.
- **Employment measures** – The University will may work with a Complainant to provide interim measures in situations where the alleged SProhibited Conductexual Misconduct or Gender-Based Discrimination occurs within the context of his or her employment on campus, including student employment. Depending on the circumstances, examples of interim measures may include, but are not limited to, assigning allowing the employee to work alternative hours, in order to avoid contact with the Accused, assigning the employee to a different work location, in order to avoid contact with the Accused, or assigning the employee to a different department

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during the duration of the investigation. Employment measures will be taken in accordance with UWF employment policies and applicable collective bargaining agreements.

**(2) Review of Interim Measures.** In the event interim measures are requested but not granted, or, interim measures are taken but are unsatisfactory to either party, either party may request that the decision related to interim measures be reviewed. The request for review must be made in writing and must be submitted to the Title IX Coordinator. The standard for imposing and for reviewing interim measures is limited to the determination of whether the health, safety or welfare of a student or member of the University Community is involved and whether the decision regarding interim measure(s) is appropriate under the circumstances. The request for review must explain why the decision regarding interim measures does not meet the standard. The Title IX Coordinator will designate an individual to review the interim measure decision. The designated reviewer will provide the other party with the opportunity to submit a response to the request for review within five calendar days. The designated reviewer will make a decision based upon the documents provided by the parties, and may call either or both of the parties in for an interview, if the designated reviewer deems it necessary. The designated reviewer has the authority to uphold, modify or withdraw the interim measures.

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**E. Threshold Determination Investigative Proceedings**

1. Once the initial intake meeting with the Complainant has taken place, and it is determined that the allegations, if true, would constitute a violation of this Policy or the Policy Prohibiting Discrimination, harassment and Retaliation (P13.03-5/10), the case will be assigned to a designated Title IX investigator. a threshold determination will be made. This means that the Title IX Coordinator will determine whether, assuming the allegations to be true, the conduct alleged would constitute a violation of this Policy.

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If the Complainant chooses not to attend the intake meeting, the threshold determination will be made based on the available information. If the threshold is not met, the Accused will be notified that a Complaint has been filed against him or her and both parties will be notified concurrently in writing that no further investigation will be conducted. If the threshold is met, an intake meeting will be scheduled with the Accused.

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**F. Intake Meeting with the Accused**

The University Intake Officer(s) will contact the Accused and schedule an intake meeting. The Intake Officer will explain this Policy to the Accused, his or her rights under this Policy, and will explain possible immediate interventions/accommodations and their implications. In addition, the Intake Officer will identify resources and sources of support available on campus and in the local community. Depending upon the circumstances, the intake meeting with the Accused may be held before or after the threshold is determined. After the Threshold is met and the Intake meeting with the Accused is scheduled, the

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matter will be assigned to a designated Title IX Investigator and both parties will be notified concurrently that an investigation will begin.

**G. Investigative Process**

**(1) Role of the Title IX Investigator**

The Title IX Investigator is a neutral fact-finder who, during the course of the investigation, typically conducts interviews with the Complainant, the Accused, and any witnesses. The Complainant and Accused will be contacted by the designated Title IX Investigator to begin the investigation. Please note: The intake meeting and the initial meeting with the Title IX investigator may be combined for purposes of expedience.

If a Complainant does not wish to pursue any remedies available to him/her under this Policy, he/she may choose not to participate in the investigation. However, the investigation may continue, at the University's discretion, without the participation of the Complainant.

**(2) Once the case is assigned to a Title IX Investigator, the University will attempt, inasmuch as possible, to conclude the investigation within 30 calendar days from the date the Title IX Coordinator receives notification of the Complaint. Elements of the Investigation**

As part of the investigation, the Investigator will:

- Interview the Complainant, the Accused and all persons involved, including any witnesses
- Obtain information/evidence, either through direct observation of the scene of the alleged sexual misconduct, or through information/evidence provided by the Complainant, the Accused, witnesses and/or law enforcement agencies.
- Provide the Complainant, the Accused and any witnesses the opportunity to have a representative/advisor accompany them during investigative meetings.
- Keep records of the investigation, including a description of the allegations, notes from all interviews, outcome of the investigation, and notes of any actions taken.
- Provide a written report of the investigation ("Investigative Report"), including findings and recommended courses of action and remedies to the Title IX Coordinator.

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**3. Investigative Report**

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At the conclusion of the investigation, The written Investigative Report completed by the Investigator will be sent to the Title IX Coordinator for review. The Investigative Report will state whether the Investigator(s) found whether the conduct that is alleged occurred, whether the alleged conduct constituted Prohibited Conduct under this Policy, and whether the Policy was violated. The *more likely than not* or *preponderance of the evidence* standard will be used. The Investigative Report may also include recommended courses of action.

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The Title IX Coordinator will provide copies of the Investigative Report to After the Title IX Coordinator has reviewed the report, copies will be provided to both the Complainant and the Accused. The If desired, the Complainant and/or the Accused will be offered the opportunity to may submit written comments to related to the Investigative Report. The comments must be submitted to the Title IX Coordinator within (147) seven calendar days from the date the Investigative Report was mailed or e-mailed to the Complainant or the Accused, as applicable.

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#### **(4) Timing**

Within 45 calendar days from the date the Title IX Coordinator received notification of the Complaint, the University will attempt, inasmuch as possible, to conclude the investigation, prepare an Investigative Report and provide the Complainant and the Accused the opportunity to submit written comments to the Title IX Coordinator.

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**H. Final Determination** - At the conclusion of the (147) seven day period, the Title IX Coordinator will finalize the report and will issue a ("Final Determination.") finding The Final Determination will state whether or not there is cause to believe the University's Policy Prohibiting Discrimination, Harassment and Discrimination (P13.03-5/10), or this Policy was violated. This finding should will be made using a *preponderance of the evidence* or *more likely than not* standard.

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**4. Appeal of No Cause Final Determination** - If it is determined that there is not sufficient sufficient cause to believe that this Policy or the Policy Prohibiting Discrimination, Harassment and Retaliation (P 13.03-5/10) was violated, both parties will be notified. If the Complainant is A a University Employee he or she may appeal the Final Determination decision by submitting a written appeal to his or her divisional Vice President within (10) ten business days of the date of the Final Determination. If the Complainant is A a student he or she may appeal the decision Final Determination through the Office of Student Rights and Responsibilities at [osrr@uwf.edu](mailto:osrr@uwf.edu) within 15 business days. by submitting a written appeal to the Vice President of Student Affairs within (10) ten business days of the date of the Final Determination. The Vice President's decision on appeal of a No Cause Final Determination is the final decision of the University.

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#### **Remedial and Other Non-Disciplinary Measures with No Cause Final Determination**

Even if it is found that the applicable policies this Policy was are not violated, and formal disciplinary charges are not brought against the Accused, other remedial actions may be warranted based upon the investigative findings. Non-disciplinary and/or remedial actions (i.e., educational programs or cease and desist directives) may be taken at the discretion of the University even if the Accused is found to be not responsible for a violation of this Policy, the Policy Prohibiting Discrimination, Harassment and Retaliation or the Student Code of Conduct. Such remedial action will be determined and directed by the Title IX Coordinator or his or her designee.

Either party has the opportunity to submit a written request for a review of the non-disciplinary and/or remedial measures; except, however, the party on whom the non-disciplinary and/or remedial measure is taken may not request review where the sole remedial measure is a directive that he or she engage in an educational program(s).

If the party on whom the non-disciplinary and/or remedial action is taken is a UWF student, either party may request a review of the remedial measures with the Vice President for Student Affairs. If the party on whom the remedial action is taken is a UWF employee, either party may request a review of the remedial measures with the appropriate Vice President. If a request for review is submitted by one party, the other party will be provided with the opportunity to submit a written response to the request for review within five calendar days. The review will be conducted by the appropriate Vice President or his/her designee within five business days of the receipt of the response or within five business days after the expiration of the due date of the response, where not response is provided. The scope of this review is limited solely to the determination of whether the non-disciplinary remedial actions are appropriate given the nature of the circumstances. The appropriate Vice President has the authority to uphold, modify or withdraw the non-disciplinary and/or remedial measures.

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**5. Referral For Disciplinary Action - For Cause Determination**- if a Final Determination is made that there is cause to believe this it is determined that there **is sufficient cause** to believe that either this Policy or the Policy Prohibiting Discrimination, Harassment and Retaliation was violated, both parties will be notified, and formal charges will be brought against the Accused. The next step will be based upon whether the Accused is a student or employee:

((1)a) In those cases where the alleged perpetrator **Accused is a UWF student**: The Investigative Report, Final Determination, any comments of the Complainant and the Accused and other information will be forwarded to the Associate Dean of Students or designee, /Director of OSRR for adjudication as described in the Student Code of Conduct who shall consider the information and shall determine whether disciplinary action will be pursued. If a student is charged under the Student Code of Conduct, Aall hearings and other processes will follow the guidelines for Student Conduct Committee/Administrative Hearings as outlined in the Student Code of Conduct for under the section regarding procedures for Title IX Ccases.

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(2)(b) In those cases where the **Accused is a UWF University Employee:**

(i) The Investigative Report, Final Determination, any comments of the Complainant and the Accused and other information will be forwarded submitted to the Vice President over the area in which the employee works, and also to the Human Resource Office. The Vice President or designee shall consider the information and shall determine whether remedial measures will be taken and/or disciplinary action will be pursued.

(ii) If the Vice President determines that disciplinary action is appropriate, such action will follow the processes set forth in HR-22.00- 2004/07 *Standards of Conduct* and/or in the applicable collective bargaining agreement for in-unit employees.

(iii) Appeals and other reviews of the determination of the employee's Vice President or designee regarding disciplinary action are described in HR-22.00-2004/07, in the applicable collective bargaining agreement for in-unit employees, and in UWF/REG 2.029 *Grievance Process for Employees Not Covered by a Bargaining Unit*.

**K. Conflict of Interest** – if an individual, who, because of his or her position would ordinarily participate in the administration or disposition of a Complaint under this Policy, becomes involved in a case as a Complainant, Accused or Witness, the University will assign an alternate individual to participate in the administration and or disposition of the matter.

**F. Complainant Does Not Wish to Pursue Resolution**

If the Complainant does not wish to pursue any remedy under this policy and/or requests that his or her complaint remain confidential, the University will consider the Complainant's request. However, the University is required to investigate and take reasonable action in response to information received as part of the investigation. The Title IX Coordinator, in conjunction with the appropriate Deputy Coordinator/Investigator, will weigh the Complainant's request against the following factors:

- Whether there have been other complaints of sexual Misconduct or gender-based discrimination against the same Accused
- Whether or not the accusations are of a nature that the continued presence of the Accused on campus poses a threat to the safety of other community members
- Any rights of the Accused to receive information related to the allegations

The Title IX Coordinator will inform the Complainant if the University makes the determination to move forward with charges under this policy without the Complainant's participation.

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## **UNIVERSITY POLICY P-14.02-02/15**

**Policy Title:** Sexual Misconduct, Sexual Violence, Gender-Based Discrimination and Retaliation

**Originator:** Dr. Kevin Bailey, Vice President for Student Affairs

**Responsible Office:** Division of Student Affairs

### **Reason for Policy/Purpose:**

This Policy covers complaints of alleged “Sexual Misconduct and Sexual Violence,” “Gender-Based Discrimination” and “Retaliation” made at the University of West Florida (“UWF” or the “University”) by individuals who are students, employees, or participants in University sponsored-programs at the time of the alleged incident.

## **SECTION 1 - INTRODUCTION**

### **A. Overview and Purpose**

The University of West Florida is committed to providing an environment that is free of Sexual Misconduct and Sexual Violence, Gender-Based Discrimination and Retaliation, as those terms are defined in this Policy. “Sexual Misconduct and Sexual Violence,” as defined by this Policy comprises a broad range of behavior that is prohibited in the UWF community including “Sexual Exploitation,” “Non-Consensual Sexual Contact and Non-Consensual Intercourse,” “Dating Violence,” “Domestic Violence,” “Sexual Harassment,” “Stalking” and “Violence Based on Gender.” In addition, this Policy covers “Gender-Based Discrimination,” which is differential treatment because of an individual’s sex/gender, and “Retaliation” which is a materially adverse action taken against someone who has participated in a complaint made under this Policy, or opposed practices prohibited by this Policy.

Sexual Misconduct and Sexual Violence, Gender-Based Discrimination and Retaliation (hereinafter “Prohibited Conduct”) are prohibited under this Policy and State and Federal law and regulations.

As a recipient of Federal funds, the University is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* (“Title IX”), which prohibits discrimination on the basis of sex in education programs or activities. Sexual Misconduct and Sexual Violence, Gender-Based Discrimination, and Retaliation are forms of discrimination prohibited by Title IX. The University of West Florida is committed to providing programs, activities and an educational environment free from such Prohibited Conduct. The University of West Florida is committed to fostering a community that promotes prompt reporting of all types of Prohibited Conduct. Creating a safe environment is the responsibility of all members of the University community.

This Policy is designed to provide an equitable process through which an affected individual can report Prohibited Conduct. Through this Policy, the University strives to provide fairness to both the Complainant and the Accused while ensuring protection for the Complainant under Title IX and providing applicable process rights to the Accused.

## **B. Definitions**

For the purposes of this Policy, the following definitions apply:

- (1) **Accused** - the Accused is an individual(s) who allegedly violated this Policy. Where the Accused is not a current student or employee, this policy may not apply; however, other University policies may be used to investigate the matter reported and/or to take remedial action.
- (2) **Complainant** - the Complainant is an individual who is a UWF student, as defined by the Student Code of Conduct, is a University employee (including a volunteer), or who was a participant in a University sponsored program at the time of the alleged incident, and who files a complaint under this Policy.
- (3) **Complaint** – a complaint based on Prohibited Conduct as defined by this Policy.
- (4) **Dating Violence** - any assault, aggravated assault, battery, aggravated battery, sexual battery, stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature as defined by Florida Law. For the State of Florida definition of Dating Violence see Section 784.046 (1)(d) Florida Statutes.
- (5) **Dean** – the Dean of Students or his/her designee. Dean’s Office – means the Office of the Dean of Students, Building 21, Room 130.
- (6) **Domestic Violence** - any assault, aggravated assault, battery, aggravated battery, sexual battery, 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. For the State of Florida definition of Domestic Violence see Section 741.28(2), Florida Statutes.
- (7) **Effective Consent** – Effective Consent is an affirmative act or statement by each person that is informed, freely given and mutually understood. It is the responsibility of each person involved in any sexual activity to ensure that he or she has the consent of the other or others to engage in the sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time. Within each sexual encounter, there may be separate individual sexual acts involved, and consent to one act by itself does not constitute consent to another act. Lack of protest or resistance does not mean consent, nor does silence mean that consent has been granted. Effective Consent cannot be gained by force, intimidation, threats, by ignoring or acting in spite of the objections of another, by coercion, manipulation or assumption, or from an individual who is incapacitated. Effective Consent is absent when the activity exceeds the scope of effective consent previously given.

The existence of a dating relationship between the persons involved, or the fact of past sexual relations, should never by itself be assumed to be an indicator of consent for any current or future sexual encounter. Because consent may be difficult to discern without verbal communication, individuals are strongly encouraged to err on the side of caution. In other words, if an individual is unsure whether there is consent, he or she should ask. For the State of Florida definition of Consent to sexual activity, see Section 794.011, Florida Statutes.

- (8) **Force** – physical force, violence, threat, intimidation or coercion.
- (9) **Gender-Based Discrimination** - Gender-Based Discrimination is differential treatment taken because of an individual's sex/gender, sexual orientation or gender identity, unless the conduct is based on a *bona fide* employment or educational requirement. Some examples are:
- (a) disparity in hiring, promotion, salary, termination and other terms and conditions of employment,
  - (b) disparity of treatment in educational programs, activities and related services, and
  - (c) limitations on an individual's participation in University activities.
- (10) **Incapacitation** – a temporary or permanent state in which a person cannot make informed, rational judgments because the person lacks the physical or mental capacity to understand the nature or consequences of their words and/or conduct, and/or the person is unable to physically or verbally communicate consent. States of incapacitation include, but are not limited to, sleep, blackouts, flashbacks and intoxication. However, where alcohol or another drug is involved, an individual does not have to reach the level of being intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the alcohol or drug consumed impacts an individual's decision-making capacity, awareness of consequences, ability to make informed judgments and ability to communicate unwillingness.
- Because incapacitation may be difficult to discern, individuals are strongly encouraged to err on the side of caution. In other words, if an individual is unsure whether someone is incapacitated, he/she should assume that the person is incapacitated.
- (11) **Intake Officer** – the individual(s) designated by the Title IX Coordinator to conduct the initial meeting with the Complainant and the initial meeting with the Accused. These initial meetings includes information about this Policy, the procedures and available resources.
- (12) **Investigators** – the individuals designated by the Title IX Coordinator to conduct investigations of alleged Prohibited Conduct under this Policy.
- (13) **Non-Consensual Sexual Contact or Non-Consensual Sexual Intercourse** – sexual contact or intercourse that occurs without Effective Consent (may be referred to as Rape or Sexual Assault). For State Florida definition of Sexual Battery, see Section 794.011, Florida Statutes.
- (14) **Preponderance of Evidence** – the greater weight of the evidence; more likely than not; the stronger evidence on the whole, however slight the edge may be.
- (15) **Prohibited Conduct** – conduct that constitutes one or more of the following and is prohibited by this Policy: Dating Violence, Domestic Violence, Gender-Based Discrimination, Non-Consensual Sexual Contact or Non-Consensual Sexual Intercourse, Retaliation, Sexual Exploitation, Sexual Harassment, Stalking and/or Violence Based on Gender.

- (16) **Protected Activity** – includes any of the following: (a) reporting conduct which is prohibited by this Policy, (b) participating in the investigation of a Complaint of Prohibited Conduct, or (c) opposing or protesting practices which are prohibited by this Policy.
- (17) **Protected Class** – The classes protected under this Policy are sex/gender, sexual orientation, and gender identity.
- (18) **Responsible University Employee** - a University employee who has the authority to take action to address an allegation of Prohibited Conduct and/or has the duty to report the alleged Prohibited Conduct to appropriate University officials.
- (19) **Retaliation** – materially adverse actions, including intimidation, threats, and harassment, taken against a Complainant, a witness or individual because he/she engaged in a Protected Activity.
- (20) **Sexual Contact** – the deliberate touching (including anal or vaginal penetration with an object) of a person’s intimate parts (including genitalia, groin, breast or buttocks or clothing covering any of those areas), or using Force to cause a person to touch his or her own or another person’s intimate parts.
- (21) **Sexual Exploitation** - taking sexual advantage of another person without Effective Consent, which includes, but is not limited to, causing or attempting to cause the incapacitation of another person so as to gain or facilitate a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of sexual activity or intimate parts of another person without that person’s Effective Consent; allowing third parties to observe sexual acts without the Effective Consent of all participants; engaging in voyeurism; exposing one’s genitals to another without Effective Consent; and/or knowingly or recklessly exposing another person to a significant risk of a sexually transmitted infection, including HIV.
- (22) **Sexual Harassment** - unwelcome conduct, based on sex/gender, sexual orientation or gender identify, that is sufficiently severe or pervasive so that it alters the terms and conditions of the Complainant’s employment or educational environment. Sexual harassment may include, for example, unwanted sexual advances, requests for sexual favors or other physical or verbal conduct of sexual nature.
- (23) **Sexual Intercourse** – oral, anal, or vaginal penetration by, or union with, the sexual organ of another.
- (24) **Sexual Misconduct and Sexual Violence** – a broad term encompassing Sexual Exploitation, Sexual Harassment, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Dating/Domestic Violence, Stalking when the victim was chosen as a target for stalking because of his or her gender and other acts of Violence Based on Gender. Sexual Misconduct and Sexual Violence can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct and Sexual Violence can be committed by men or by women, and it can occur between people of the same or different sex.

- (25) **Stalking** – willfully, maliciously, and repeatedly following, harassing, or cyberstalking another person where the victim was targeted due to his or her sex/gender, sexual orientation or gender identity. For the State of Florida definition of Stalking see Section 784.048, Florida Statutes.
- (26) **Student Code of Conduct UWF/REG 3.010** – the Student Code of Conduct is the UWF regulation governing student behavior on campus.
- (27) **Student Conduct Committee** – as defined by the Student Code of Conduct, the standing committee of students, faculty and staff designated to hear cases of alleged violations of the Student Code of Conduct.
- (28) **State of Florida Definitions** of sex related crimes see Chapters 784, 794, 796, 800, and 810, Florida Statutes.
- (29) **Title IX Coordinator** – University employee with the responsibility for administering this Policy, including identifying and addressing any patterns or systemic problems that arise during the review of Title IX complaints. The Title IX Coordinator is assisted by Deputy Title IX Coordinators.
- (30) **University** – the University of West Florida.
- (31) **Violence Based on Gender** – Any other crime or act of violence, not defined above, taken against another when the victim was targeted due to his or her sex/gender, sexual orientation or gender identity.

## **SECTION 2 – PROHIBITED CONDUCT and STANDARDS**

### **A. PROHIBITED CONDUCT**

A Complainant may file a Complaint alleging that he or she was subject to Prohibited Conduct as defined in this Policy, and that this Policy was therefore violated. Conduct that constitutes one or more of the following is prohibited by this Policy and shall be referred to as “Prohibited Conduct.”

- (1) Sexual Misconduct and Sexual Violence
  - (a) Sexual Harassment
  - (b) Dating Violence
  - (c) Domestic Violence
  - (d) Non-Consensual Sexual Contact or Non-Consensual Sexual Intercourse
  - (e) Sexual Exploitation
  - (f) Stalking
  - (g) Violence Based on Gender
- (2) Gender-Based Discrimination
- (3) Retaliation

## **B. STANDARDS**

In determining whether the alleged conduct constitutes Prohibited Conduct, as defined by this Policy, the following standards must be met:

(1) **Sexual Misconduct and Sexual Violence:**

(a) **Sexual Harassment.** Sexual harassment violates this Policy when any one of the following occur:

- (i) the unwelcome conduct of a sexual nature is sufficiently severe or pervasive so as to alter the terms and conditions of the individual's employment or educational environment,
- (ii) where submission to unwelcome sexual requests is either explicitly or implicitly made a term or condition of employment or of an individual's educational status or success, or
- (iii) where submission or rejection of the sexual conduct or request is the basis for employment or educational decisions affecting the individual.

(b) **Dating Violence, Domestic Violence, Non-Consensual Sexual Contact or Non-Consensual Sexual Intercourse, Sexual Exploitation, Stalking and Violence Based on Gender:** The definitions listed in Section 1 apply to each of these prohibited acts. In determining whether this Policy was violated, a two-part inquiry must be answered. The inquiry is:

- (i) whether it is *more likely than not* that the conduct that was alleged occurred and
- (ii) whether the conduct meets the definition in Section 1B, above.

(2) **Gender-Based Discrimination.** Conduct violates this Policy when:

- (a) the Complainant is a member of a Protected Class,
- (b) the Complainant was treated less favorably than similarly situated individuals who are not members of the same Protected Class, and
- (c) the less favorable treatment was due to the Complainant's membership in the Protected Class.

(3) **Retaliation.** Conduct violates the Policy when:

- (a) the Complainant engaged in a protected activity,
- (b) the Accused was aware of the protected activity,
- (c) the Complainant subsequently is subject to a material adverse action caused by the Accused, and
- (d) there a causal connection between the protected activity and the material adverse action.

(4) **Standard of Proof.** In making these determinations, the "*more likely than not*" or "*Preponderance of the Evidence*" standard is used.

### **SECTION 3 – AUTHORITY, TIMING, EFFECT OF CRIMINAL PROCEEDINGS and COMPLAINANT PARTICIPATION**

#### **A. University Authority**

A UWF student, as defined by the Student Conduct Code, a UWF employee (including a volunteer) or a participant in a University sponsored program may file a Complaint against any UWF student or UWF employee under this Policy. In those cases where either party is both a University student and a University employee, the Title IX Coordinator will determine, based on the nature of the allegations, the procedures to be used for addressing the alleged misconduct.

#### **Off-Campus Conduct**

The University may take action against a student or employee under this Policy for Prohibited Conduct occurring off-campus where one or more of the following applies: (a) The conduct is disruptive to the orderly processes and functions of the University; (b) the conduct demonstrates that the continued presence of the student or employee on campus presents a danger to the health, safety or welfare of any member of the University community; (c) the off-campus conduct is intimidating or threatening to the University community or an individual within the University community; (d) the off-campus conduct is of such a serious nature that it adversely affects the student or employee's suitability to remain a part of the University community; or (e) the off-campus conduct is such that it could constitute a violation of the law.

#### **B. Timing of Complaints and Availability of Procedures**

As long as there is University authority over the Accused Student or Accused Employee, there is no time limit or statute of limitations to filing a Complaint under this Policy. Nevertheless, victims are encouraged to report Prohibited Conduct immediately in order to maximize the University's ability to conduct a thorough and reliable investigation. Failure to promptly report Prohibited Conduct may result in the loss of evidence and witness information, and may impair the University's ability to enforce this Policy.

#### **C. Effect of Criminal Investigation/Proceeding**

Because Prohibited Conduct may constitute both a violation of this Policy and criminal law, the University encourages victims to report alleged criminal conduct promptly to local law enforcement agencies. If the alleged violation is also being investigated by law enforcement authorities, the University may delay its investigation long enough to permit law enforcement agencies to collect evidence. The University may take interim measures during the pendency of the criminal investigation.

The standards for finding a violation of criminal law differ from the standards for finding that a violation of this Policy occurred. A violation of this Policy may be found even though law enforcement agencies

lack sufficient evidence of a crime. If outside charges have been dismissed, are not prosecuted, are not heard, or if adjudication of guilt is withheld, such action will have no bearing on University charges and/or outcome.

#### **D. Complainant Does Not Wish to Pursue Resolution**

If the Complainant does not wish to pursue any remedy under this policy and/or requests that his or her Complaint remain confidential, the University will consider the Complainant's request. However, the University is required to investigate and take reasonable action in response to information reported. The Title IX Coordinator, in conjunction with the appropriate Deputy Coordinator/Investigator, will weigh the Complainant's request against the following factors:

- Whether there have been other complaints of Prohibited Conduct against the same Accused
- Whether the accusations are of a nature that the continued presence of the Accused on campus poses a threat to the safety of other community members.

The Title IX Coordinator will inform the Complainant if the University makes the determination to move forward with charges under this Policy without the Complainant's participation.

### **SECTION 4 - THE PROCESS: INITIAL STEPS and INVESTIGATIVE PROCEDURES**

#### **A. Reporting Prohibited Conduct**

**(1) Reporting.** Individuals who feel that they have been victims of Prohibited Conduct by a UWF student or employee should report this information as soon as possible. Reports of Prohibited Conduct can be made to any of the following:

- (a) Title IX Coordinator
- (b) Deputy Title IX Coordinators
- (c) The Chief Diversity Officer
- (d) Office of Equal Opportunity and Compliance
- (e) The Dean of Student's Office
- (f) The Director of Human Resources
- (g) The Office of General Counsel
- (h) University Police
- (i) Any other Responsible University Employee

**(2) Obligation to Report.** Responsible University Employees have an obligation to report information received regarding Prohibited Conduct. Responsible University Employees include, but are not necessarily limited to, faculty, administrative staff, Housing and Residence Life Staff (including Resident Assistants), athletic coaches, and other individuals in similar positions.

Individuals defined as Responsible University Employees under this Policy who receive a report of alleged Prohibited Conduct must immediately report the information to the Title IX Coordinator.

**(3) Confidentiality.** Individuals reporting Prohibited Conduct to any Responsible University Employee should know that every effort will be made to respect the private and sensitive nature of their report. However, as required under Title IX, reports to any of the above parties **will result in a notification of the report to the Title IX Coordinator**. The Complainant will have the option of whether to pursue further remedies as described below, but should take note that any report to a Responsible University Employee will result, at minimum, in a report to the campus Title IX Coordinator.

If a student wishes to speak with someone on campus **confidentially** about alleged Prohibited Conduct or any other matter, he or she should contact and schedule an appointment with Counseling and Psychological Services (850-474-2420). If an employee wishes to do the same, he or she may contact the Employee Assistance Program (1-800-860-2058). Complainants who are participants in University sponsored programs, but are not UWF students or employees, will be provided with community counseling referrals in the intake meeting. **Any information disclosed to a mental health professional during a counseling session is considered private and confidential and is legally protected.** A mental health professional is not required by Federal Law or regulation to report the incident to the Title IX Coordinator.

University Health Center staff are not required by Federal law or regulation to report the information to the Title IX Coordinator. Any information shared by a student regarding Prohibited Conduct with a doctor, nurse, or administrative staff member in the University Health Center will only be reported to the Title IX Coordinator *with the student's permission*. However, disclosures to University Health Center staff are not protected by the law to the same extent as are disclosures to a mental health professional. For example, disclosures to University Health Center staff may be obtainable during the course of an investigation or by subpoena.

## **B. Amnesty from Related Misconduct Charges**

The University will not pursue student conduct code violation charges against a student filing a Complaint under this Policy who may have been in violation of the University Student Code of Conduct at the time he or she was the subject of alleged Prohibited Conduct. For example, if a student Complainant is under age 21 and alleges that he/she was sexually assaulted while under the influence of alcohol, the University would not pursue disciplinary action against the Complainant related to underage drinking.

## **C. Intake Meeting with the Complainant**

Upon receipt of notice of an allegation of Prohibited Conduct, Title IX Coordinator will notify the appropriate University Intake Officer, who will contact the Complainant and schedule an individual intake meeting. The Intake Officer will explain this Policy to the Complainant, the parameters of confidentiality under this Policy, the Complainant's rights to pursue remedies under this Policy, and a

discussion of any immediate interventions or accommodations that may be appropriate concerning the Complainant's academic, University housing and/or University employment arrangements. In addition, the Intake Officer will provide resources and sources of support on campus and in the local community.

#### **D. Interim Measures**

**(1) Measures Available.** Based on the nature and seriousness of the alleged conduct, regardless of whether or not the Complainant wishes to pursue a remedy under this Policy, the University may take interim measures. These interim measures are designed to prevent the recurrence of the alleged misconduct, to prevent retaliation and to limit the negative effects of the alleged misconduct during the investigation period. The University will notify the Complainant of the interim measures available under this Policy. Depending on the circumstances, interim measures which may be available to a Complainant include, but are not limited to:

- **No Contact Order** – the University may issue no-contact orders between the Accused individual and the Complainant and/or others involved.
- **On-Campus housing reassignment** – the University may complete an administrative housing reassignment in order to separate the Complainant and the Accused. This may include reassigning the Complainant, the Accused, and/or others involved.
- **Academic measures** – the University may work with a Complainant to assist the Complainant regarding his/her academic coursework. Depending on the circumstances, examples of interim measures may include working with instructors related to missed classes, assigning the Complainant or the Accused to a new course section as scheduling permits, allowing the Complainant to finish the course requirements via distance learning or independent study, or, where applicable, providing the Complainant with a medical withdrawal from one or more courses.
- **Employment measures** – the University may work with a Complainant to provide interim measures in situations where the alleged Prohibited Conduct occurs within the context of his or her employment on campus, including student employment. Depending on the circumstances, examples of interim measures may include, but are not limited to, assigning the employee to work alternative hours, assigning the employee to a different work location, or assigning the employee to a different department during the duration of the investigation. Employment measures will be taken in accordance with UWF employment policies and applicable collective bargaining agreements.

**(2) Review of Interim Measures.** In the event interim measures are requested but not granted, or interim measures are taken but are unsatisfactory to either party, either party may request that the decision related to interim measures be reviewed. The request for review must be made in writing and must be submitted to the Title IX Coordinator. The standard for imposing and for reviewing interim measures is limited to the determination of whether the health, safety or welfare of a

student or member of the University Community is involved and whether the decision regarding interim measure(s) is appropriate under the circumstances. The request for review must explain why the decision regarding interim measures does not meet the standard. The Title IX Coordinator will designate an individual to review the interim measure decision. The designated reviewer will provide the other party with the opportunity to submit a response to the request for review within five calendar days. The designated reviewer will make a decision based upon the documents provided by the parties, and may call either or both of the parties in for an interview if the designated reviewer deems it necessary. The designated reviewer has the authority to uphold, modify or withdraw the interim measures.

#### **E. Threshold Determination**

Once the initial intake meeting with the Complainant has taken place, a threshold determination will be made. This means that the Title IX Coordinator will determine whether, assuming the allegations to be true, the conduct alleged would constitute a violation of this Policy.

If the Complainant chooses not to attend the intake meeting, the threshold determination will be made based on the available information. If the threshold is not met, the Accused will be notified that a Complaint has been filed against him or her and both parties will be notified concurrently in writing that no further investigation will be conducted. If the threshold is met, an intake meeting will be scheduled with the Accused.

#### **F. Intake Meeting with the Accused**

The University Intake Officer(s) will contact the Accused and schedule an intake meeting. The Intake Officer will explain this Policy to the Accused, his or her rights under this Policy, and will explain possible immediate interventions/accommodations and their implications. In addition, the Intake Officer will identify resources and sources of support available on campus and in the local community. Depending upon the circumstances, the intake meeting with the Accused may be held before or after the threshold is determined. After the Threshold is met and the Intake meeting with the Accused is scheduled, the matter will be assigned to a designated Title IX Investigator and both parties will be notified concurrently that an investigation will begin.

#### **G. Investigative Process**

##### **(1) Role of the Title IX Investigator**

The Title IX Investigator is a neutral fact-finder who, during the course of the investigation, typically conducts interviews with the Complainant, the Accused, and witnesses. The Complainant and Accused will be contacted by the designated Title IX Investigator to begin the investigation. Please note: The intake meeting and the initial meeting with the Title IX investigator may be combined for purposes of expedience.

If a Complainant does not wish to pursue any remedies available to him/her under this Policy, he/she may choose not to participate in the investigation. However, the investigation may continue, at the University's discretion, without the participation of the Complainant.

## **(2) Elements of the Investigation**

The Investigator will:

- Interview the Complainant, the Accused and witnesses
- Obtain information provided by the Complainant, the Accused, witnesses and/or law enforcement agencies.
- Provide the Complainant, the Accused and any witnesses the opportunity to have a representative/advisor accompany them during investigative meetings.
- Keep records of the investigation, including a description of the allegations, notes from all interviews, and notes of any actions taken.
- Provide a written report of the investigation ("Investigative Report") to the Title IX Coordinator.

## **(3) Investigative Report**

The written Investigative Report completed by the Investigator will be sent to the Title IX Coordinator for review. The Investigative Report will state whether the Investigator(s) found whether the conduct that is alleged occurred, whether the alleged conduct constituted Prohibited Conduct under this Policy, and whether the Policy was violated. The *more likely than not* or *preponderance of the evidence* standard will be used. The Investigative Report may also include recommended courses of action.

The Title IX Coordinator will provide copies of the Investigative Report to both the Complainant and the Accused. The Complainant and the Accused will be offered the opportunity to submit written comments to the Investigative Report within (7) seven calendar days from the date the Investigative Report was mailed or e-mailed to the Complainant or the Accused.

## **(4) Timing**

Within 45 calendar days from the date the Title IX Coordinator received notification of the Complaint, the University will attempt, inasmuch as possible, to conclude the investigation, prepare an Investigative Report and provide the Complainant and the Accused the opportunity to submit written comments to the Title IX Coordinator.

**H. Final Determination** - at the conclusion of the (7) seven day period, the Title IX Coordinator will finalize the report and will issue a "Final Determination." The Final Determination will state whether there is cause to believe this Policy was violated. This finding will be made using a *preponderance of the evidence or more likely than not* standard.

**I. Appeal of No Cause Final Determination** - if it is determined that there is not sufficient cause to believe that this Policy was violated, both parties will be notified. If the Complainant is a University employee he or she may appeal the Final Determination by submitting a written appeal to his or her divisional Vice President within (10) ten business days of the date of the Final Determination. If the Complainant is a student he or she may appeal the Final Determination by submitting a written appeal to the Vice President of Student Affairs within (10) ten business days of the date of the Final Determination. The Vice President's decision on appeal of a No Cause Final Determination is the final decision of the University.

#### **Remedial and Other Non-Disciplinary Measures with No Cause Final Determination**

Even if it is found that this Policy was not violated, and formal disciplinary charges are not brought against the Accused, other remedial actions may be warranted based upon the investigative findings. Non-disciplinary and/or remedial actions (i.e., educational programs or cease and desist directives) may be taken at the discretion of the University. Such remedial action will be determined and directed by the Title IX Coordinator or his or her designee.

Either party has the opportunity to submit a written request for a review of the non-disciplinary and/or remedial measures; except, however, the party on whom the non-disciplinary and/or remedial measure is taken may not request review where the sole remedial measure is a directive that he or she engage in an educational program(s).

If the party on whom the non-disciplinary and/or remedial action is taken is a UWF student, either party may request a review of the remedial measures with the Vice President for Student Affairs. If the party on whom the remedial action is taken is a UWF employee, either party may request a review of the remedial measures with the appropriate Vice President. If a request for review is submitted by one party, the other party will be provided with the opportunity to submit a written response to the request for review within five calendar days. The review will be conducted by the appropriate Vice President or his/her designee within five business days of the receipt of the response or within five business days after the expiration of the due date of the response, where no response is provided. The scope of this review is limited solely to the determination of whether the non-disciplinary remedial actions are appropriate given the nature of the circumstances. The appropriate Vice President has the authority to uphold, modify or withdraw the non-disciplinary and/or remedial measures.

**J. Referral For Disciplinary Action - For Cause Determination**- if a Final Determination is made that there is cause to believe this Policy was violated, both parties will be notified. The next step will be based upon whether the Accused is a student or employee:

(1) In those cases where the **Accused is a UWF student**: The Investigative Report, Final Determination, any comments of the Complainant and the Accused and other information will be forwarded to the Dean of Students or designee, who shall consider the information and shall determine whether disciplinary action will be pursued. If a student is charged under the Student Code of Conduct, all hearings and other processes will follow the guidelines in the Student Code of Conduct for Title IX Cases.

(2) In those cases where the **Accused is a UWF employee**: The Investigative Report, Final Determination, any comments of the Complainant and the Accused and other information will be forwarded to the Vice President over the area in which the employee works, and also to the Human Resource Department. The Vice President or designee shall consider the information and shall determine whether disciplinary action will be pursued. If the Vice President determines that disciplinary action is appropriate, such action will follow the processes set forth in HR-22.00- 2004/07 *Standards of Conduct* and/or in the applicable collective bargaining agreement for in-unit employees. Appeals and other reviews of disciplinary action are described in HR-22.00-2004/07, in the applicable collective bargaining agreement for in-unit employees, and in UWF/REG 2.029 *Grievance Process for Employees Not Covered by a Bargaining Unit*.

**K. Conflict of Interest** – if an individual, who, because of his or her position would ordinarily participate in the administration or disposition of a Complaint under this Policy, becomes involved in a case as a Complainant, Accused or Witness, the University will assign an alternate individual to participate in the administration and or disposition of the matter.

**Change Justification:**

This policy is being updated in compliance with Federal law and regulatory changes.

**Authority and Related Documents:**

Title IX of the Higher Education Amendments of 1972

**History:**

P-14.01-11/13 Sexual Misconduct and Gender-Based Discrimination Policy, adopted November 2013: revised herby.

**APPROVED:** \_\_\_\_\_  
Dr. Judith A. Bense, President

**Date:** \_\_\_\_\_

**UWF Board of Trustees Meeting**  
Student Affairs Committee  
March 3, 2015

**Issue:** Counseling and Psychological Services (CAPS) Informational Update

**Proposed action:** Informational

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**Background information:**

The Board of Governors is taking a renewed interest in campus safety across the system. A conference call was held on September 26 with Chancellor Criser and all University Presidents on the topic. On October 21, Chancellor Criser and Governor Norm Tripp received a campus safety briefing from several key players across the state. Earlier this year, BOG staff sent out a survey to counseling center directors regarding counseling services provided across the SUS.

This update will provide a review of counseling services offered at UWF and compare UWF and SUS survey responses from the BOG survey.

**Recommendation:** N/A

**Implementation Plan:** N/A

**Fiscal Implications:** N/A

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**Supporting documents:** PPT presentation to be made at BOT Committee Meeting

**Prepared by:** Rebecca Kennedy, PhD, AVP Student Affairs and Director, CAPS, (850) 474-2420, rkennedy@uwf.edu

**Facilitator/Presenter:** Rebecca Kennedy, PhD, AVP Student Affairs and Director, CAPS

**UWF Board of Trustees Meeting**  
Student Affairs Committee  
March 3, 2015

**Issue:** Student Conduct Statistics

**Proposed action:** Information Only

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**Background information:**

Every year the Office of Student Rights and Responsibilities produces a report of the demographics of the students who violate the Student Code of Conduct. Trends and future plans to address behavioral concerns will be discussed.

**Recommendation:** None

**Implementation Plan:** None

**Fiscal Implications:** None

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**Supporting documents:** **PPT**

**Prepared by:** Mary Hallford, Executive Specialist to Vice President for Student Affairs, 850-474-2214, [mhallfor@uwf.edu](mailto:mhallfor@uwf.edu)

**Presenter:** Dr. Brandon Frye, Dean of Students, 850-474-2382, [bfrye@uwf.edu](mailto:bfrye@uwf.edu)



University of  
**West Florida**

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**Division of Student Affairs**

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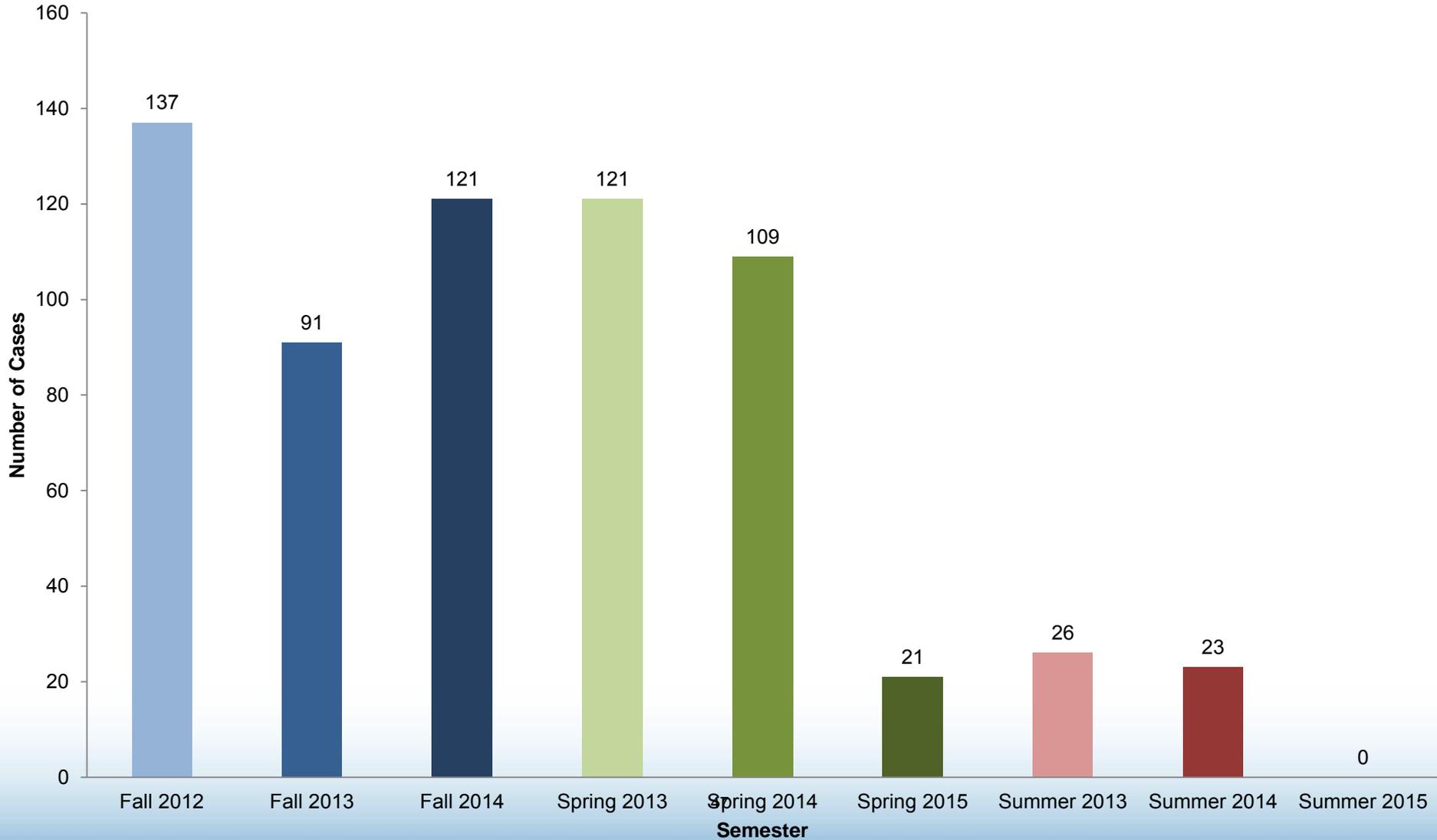
**Office of Student Rights and Responsibilities**

March 3, 2015

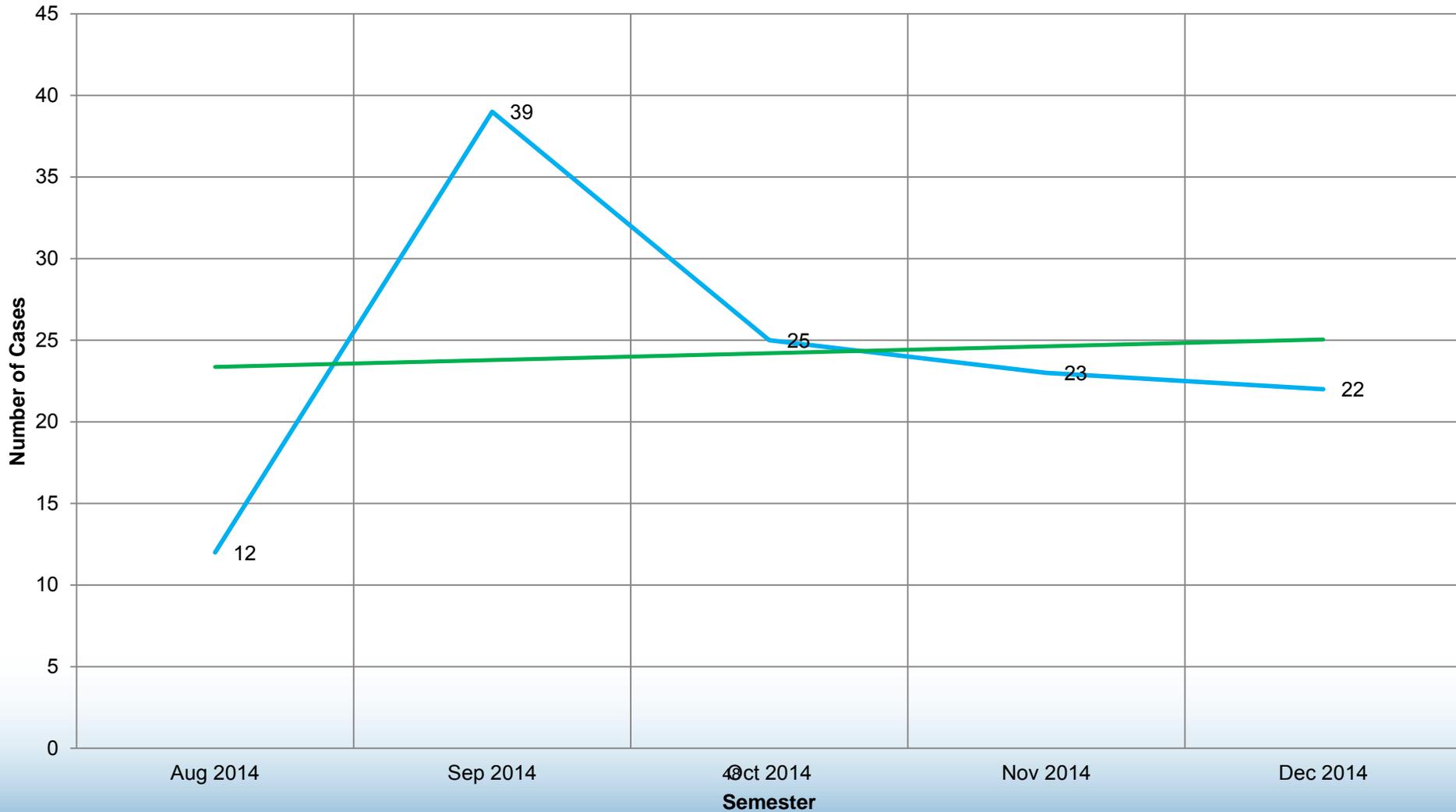
Dr. Brandon Frye,<sup>45</sup> Dean of Students

# OSRR Student Conduct Case Data

## OSRR Student Conduct Cases by Semester

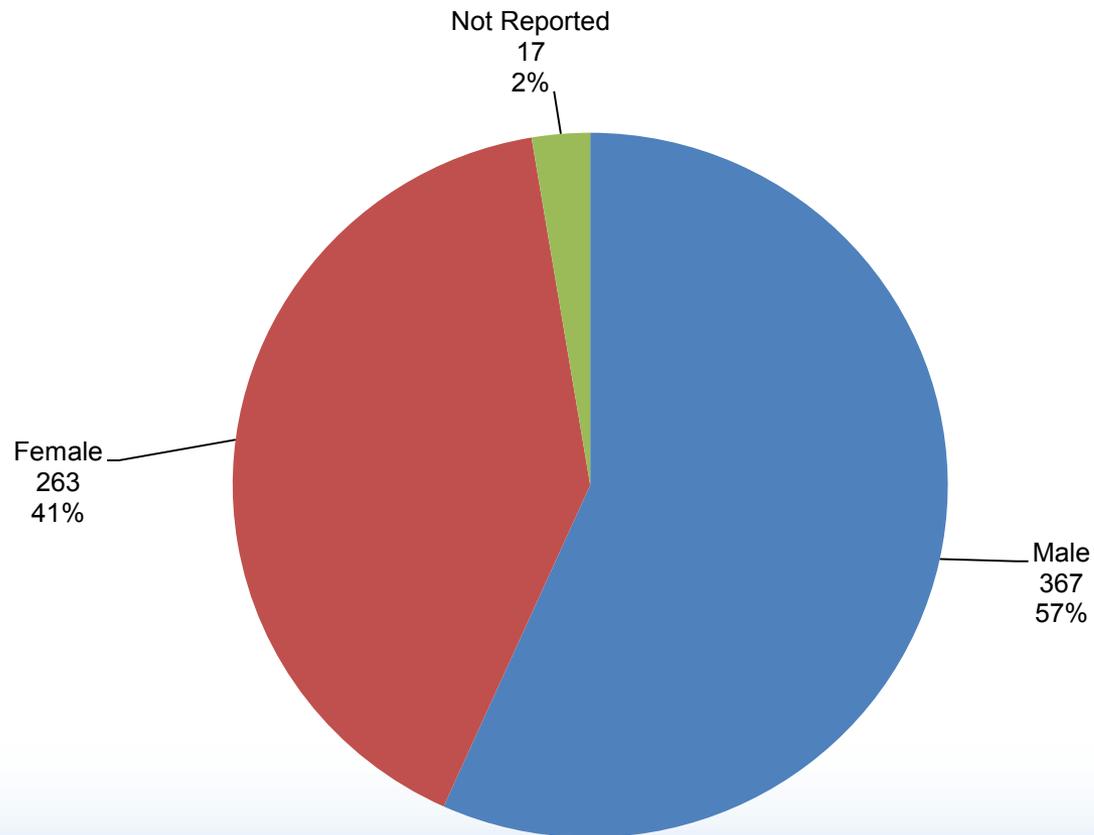


## OSRR Student Conduct Cases in the Last Complete Semester (Fall 2014)

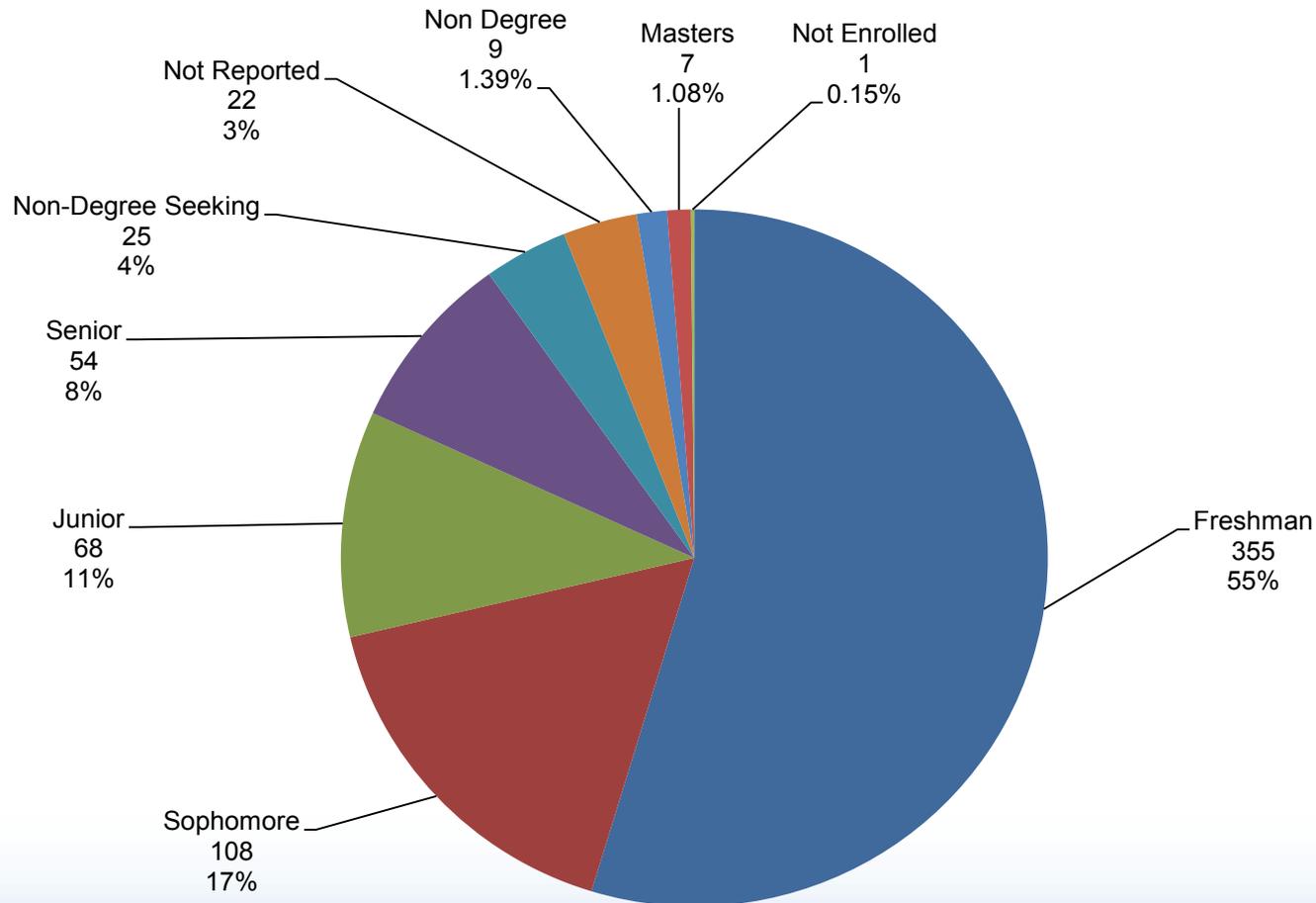


# OSRR Student Conduct Demographic Data

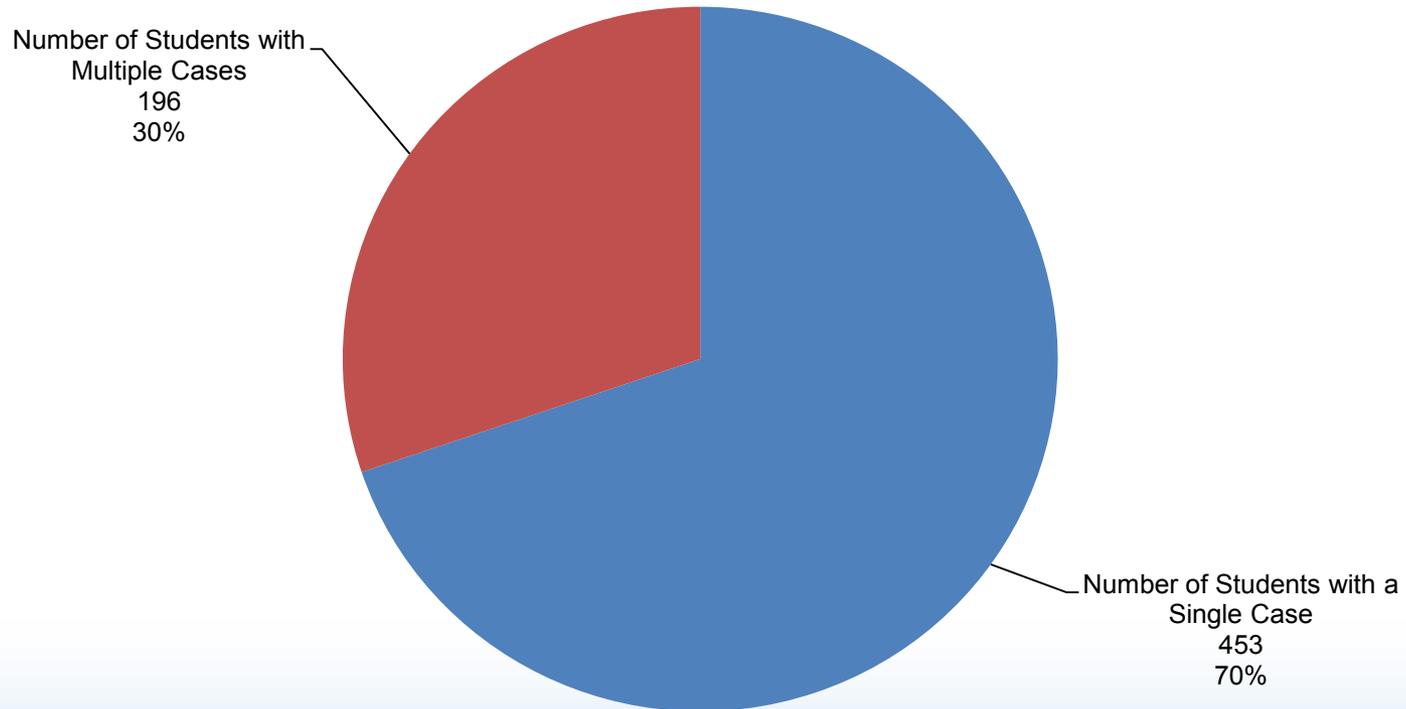
## Gender Information OSRR Student Conduct Cases from Fall 2012 through Summer 2015



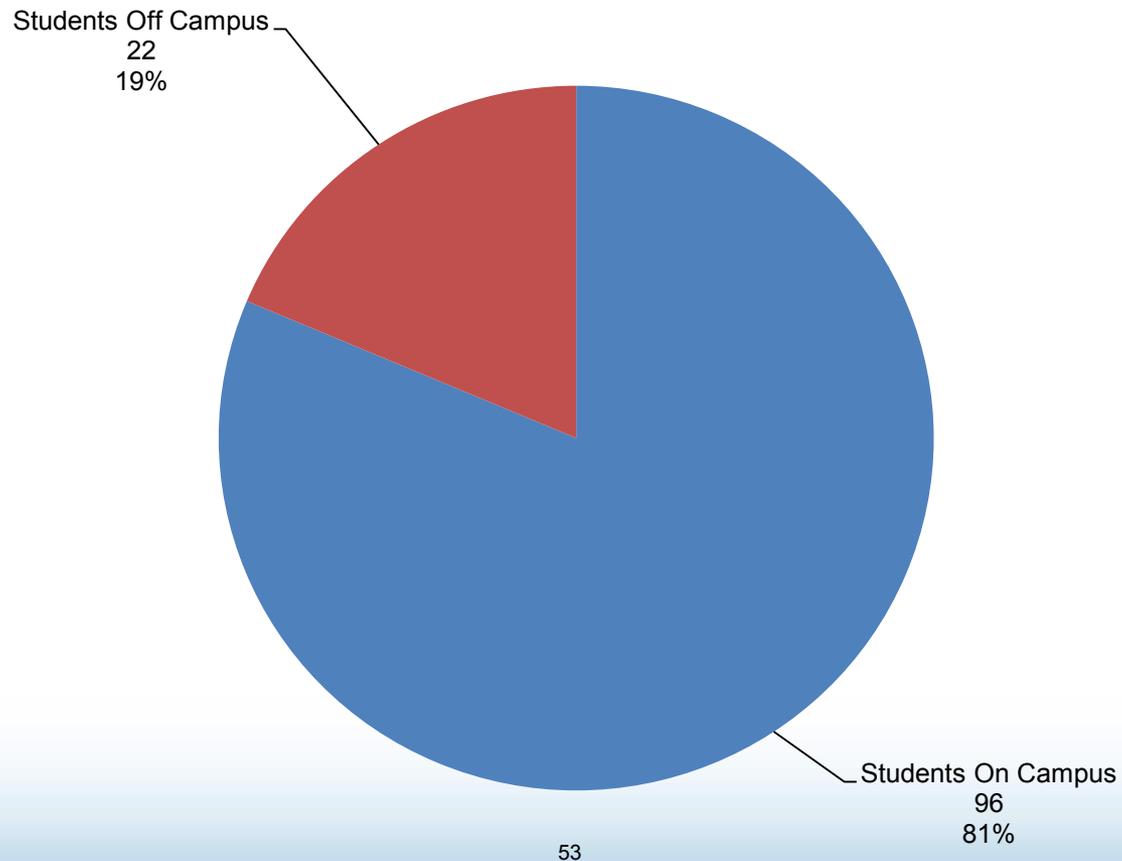
## Classification Information for OSRR Student Conduct Cases from Fall 2012 through Summer 2015



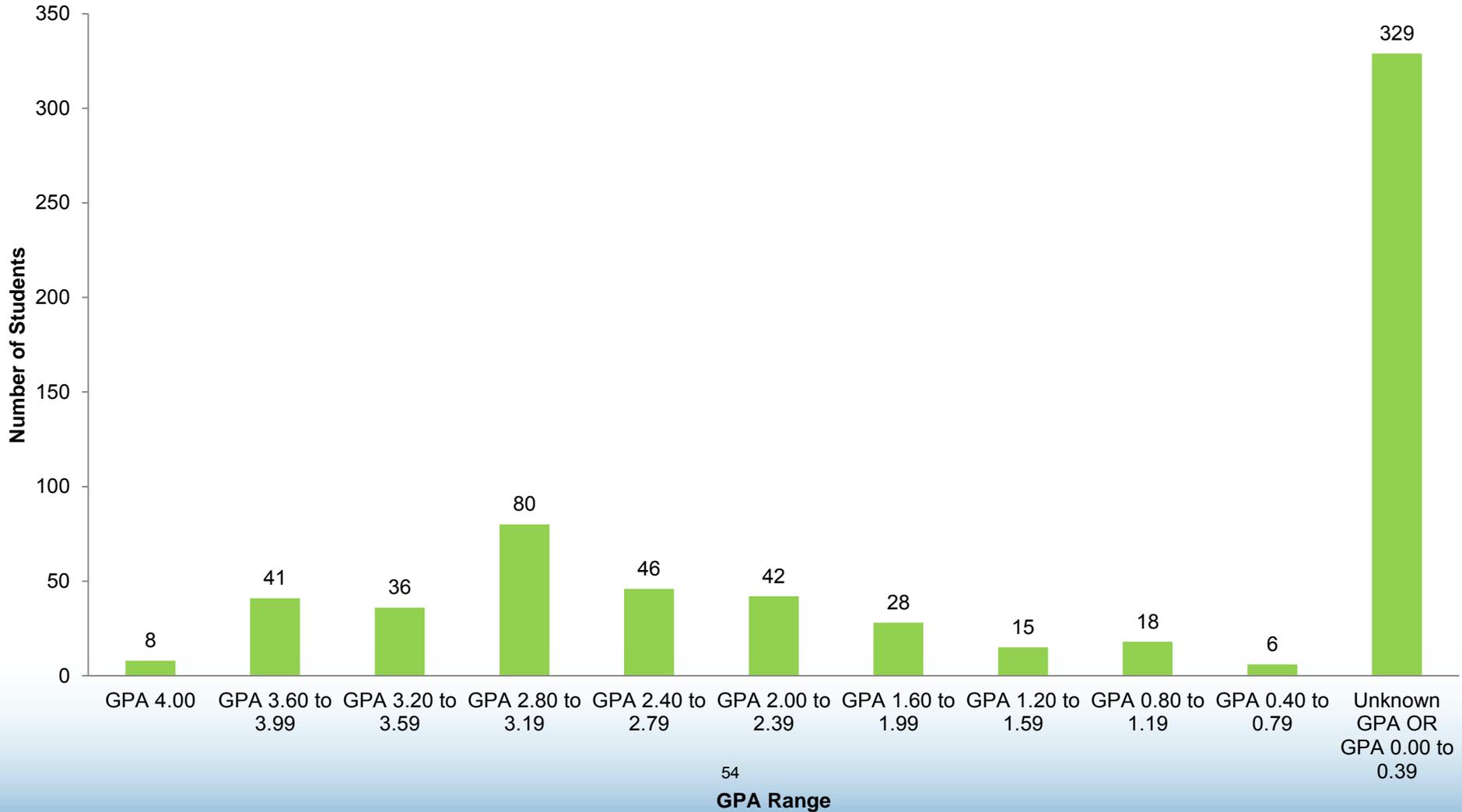
## Multiple Case Information for OSRR Student Conduct Cases from Fall 2012 through Summer 2015



## Residency Information for OSRR Student Conduct Cases from Fall 2012 through Summer 2015

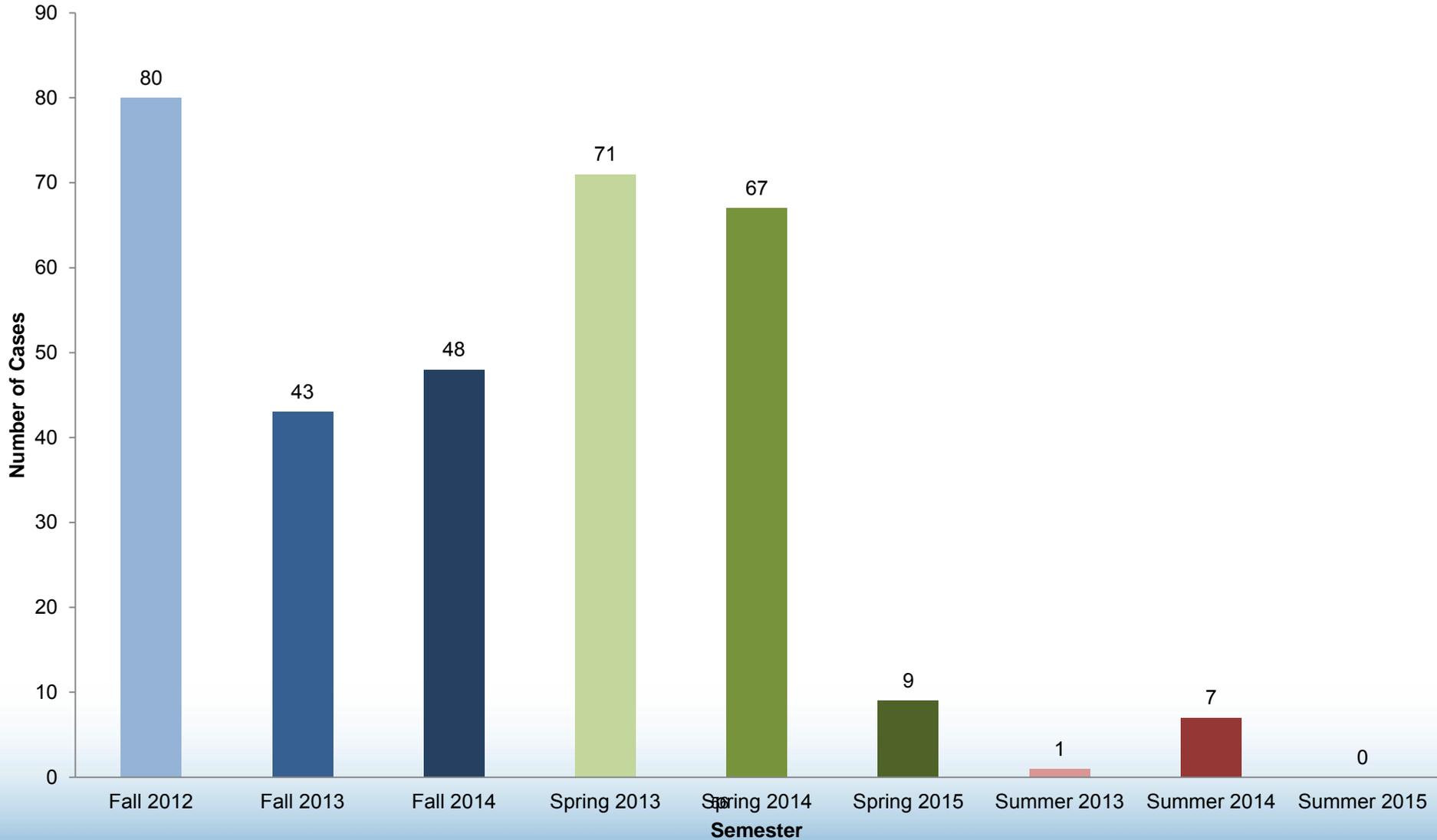


## GPA Information for OSRR Student Conduct Cases from Fall 2012 through Summer 2015

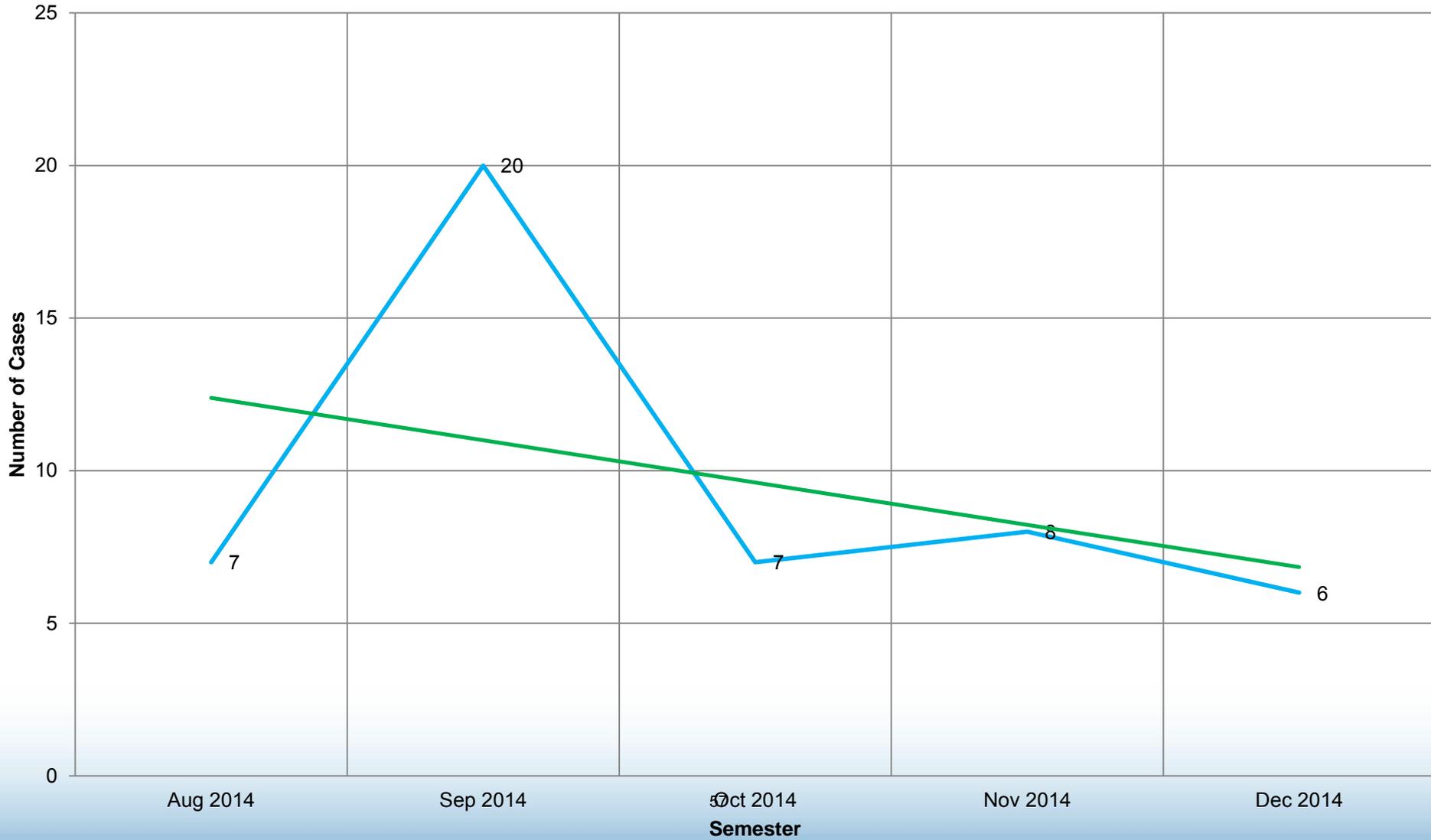


# OSRR Alcohol Data

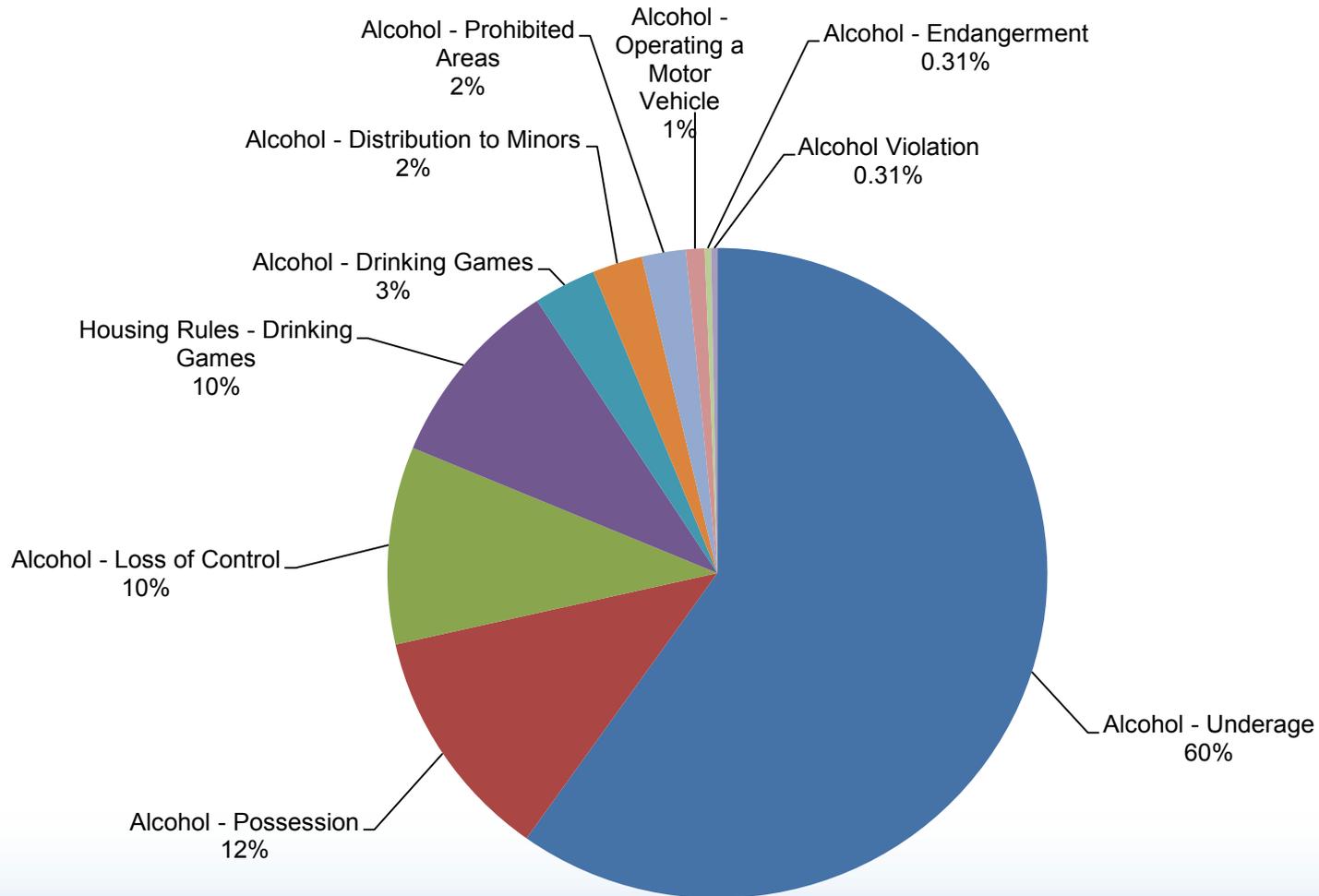
## OSRR Alcohol Charges by Semester



## OSRR Alcohol Charges in the Last Complete Semester (Fall 2014)

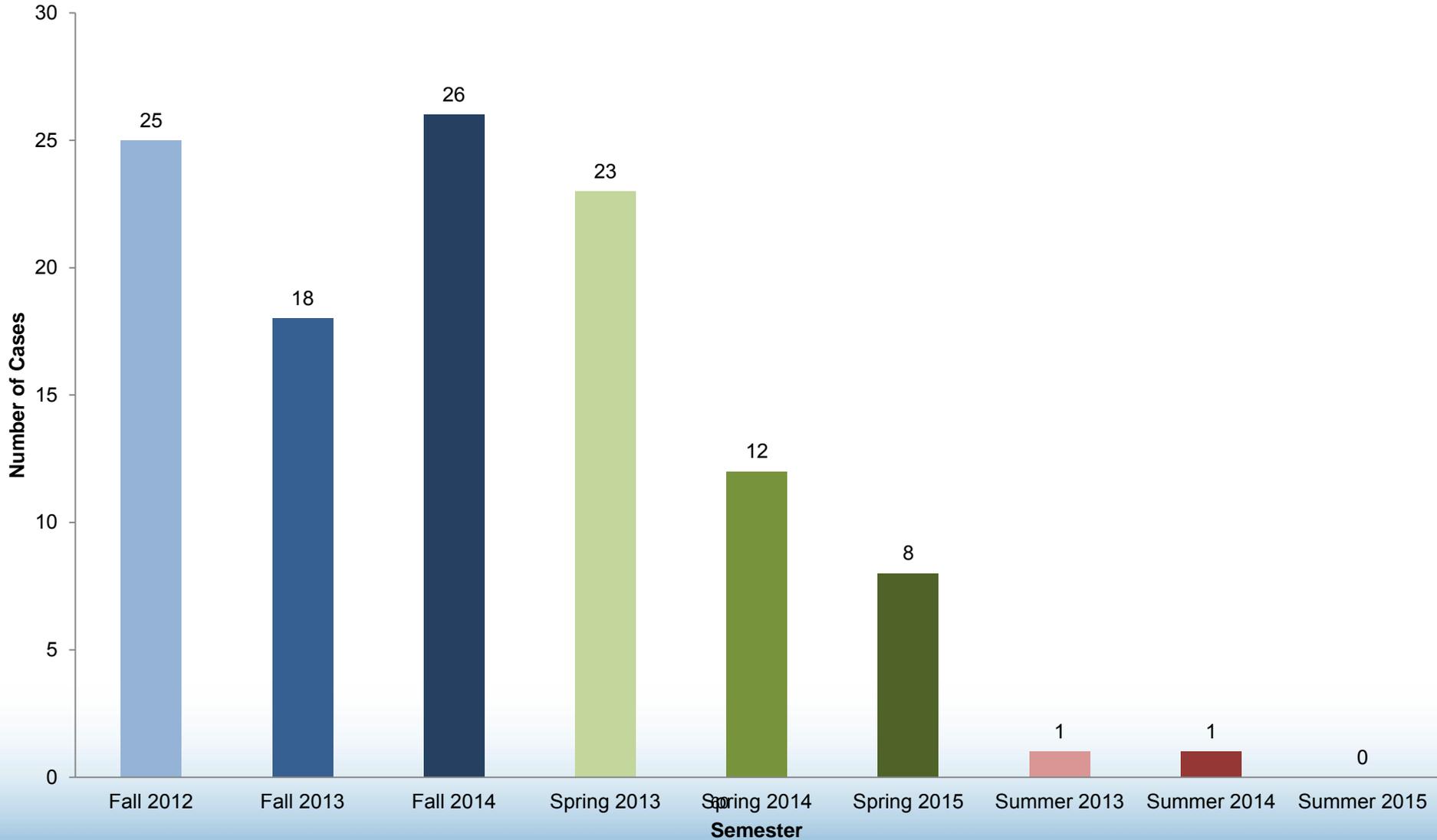


## OSRR Alcohol Charges from Fall 2012 thru Summer 2015

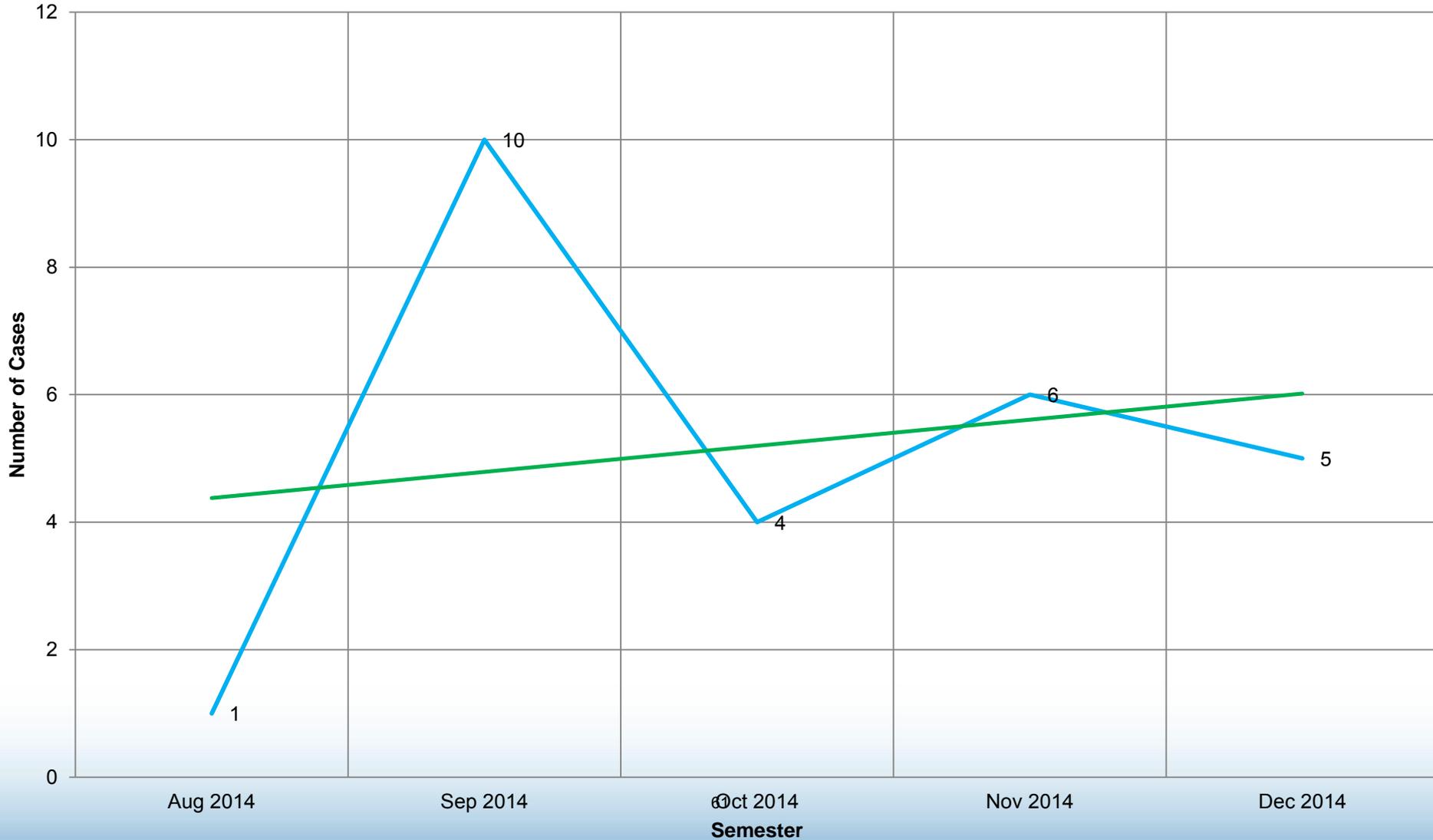


# OSRR Drug Data

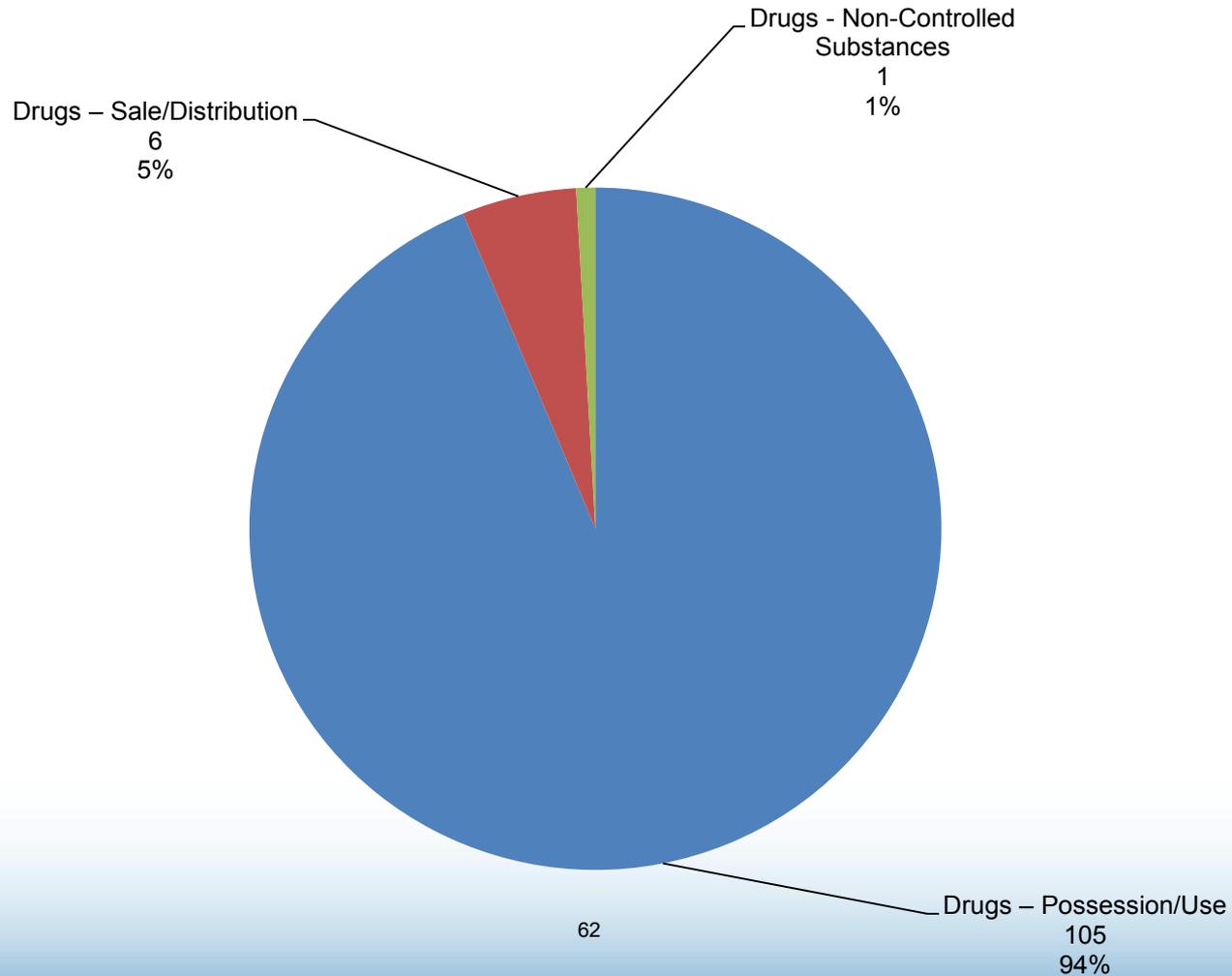
## OSRR Drug Charges by Semester



## OSRR Drug Charges in the Last Complete Semester (Fall 2014)



## OSRR Drug Charges from Fall 2012 thru Summer 2015



**UWF Board of Trustees Meeting**

Student Affairs Committee

March 3, 2015

**Issue:** Recommend approval of the proposed amendment to UWF/REG 5.010  
Educational Research Center for Child Development

**Proposed action:** Information

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**Background information:** BOG Regulation 10.004 provides that the Board of Trustees may establish or change child care and service fees for Educational Research Center for Child Development (ERCCD). ERCCD child care fees were last increased in Fall 2014. These rates have been presented and approved by the ERCCD Board of Directors as required by BOG Regulation 10.004.

This fee increase is being driven by multiple factors, most notably decreased funding from the Activity and Service (A&S) Fee and increased staffing costs linked to implementation of the Affordable Care Act (ACA). Specifically, the base A&S allocation of \$52,000 to support ERCCD operations is being reduced 25% (\$13,200) due to reduced A&S fee collections which are linked to declining credit hour generation. In terms of the impact of ACA, efforts have been made to restructure staffing to reduce the number of employees eligible for employer provided insurance but the need for continuity of care with the children results in more staff being eligible for coverage than in years past. FY16 will be the first year of full implementation of ACA costs. The estimated annual recurring costs for insurance has increased by nearly \$35,000 since these costs began hitting our operating budget in January 2014. The fee increase approved for the current year will generate approximately \$13,000 while this proposed fee increase will generate an estimated \$16,000. The remaining gap in revenue versus expenses will be closed by reducing budgeted contributions (approximately \$24,000 for FY15) to our facility reserve.

It is important to note that student rates are kept well below market rates, ranging from 27.5% lower for the infant group to 9.2% for the toddler 2 group with an average savings of 18.3%. Additionally, students currently benefit from a federal grant that pays a significant share (50% - 95% depending upon qualifications) of the childcare costs for Pell-eligible and military affiliated students. For example, in FY14 we served 43 student families (66% of total student families) who qualified for the grant. These student families paid a total of \$7,539 (average \$175 each) out of pocket for the school year while the grant covered \$127,992.

**Recommendation:** Information

**CURRENT AND PROPOSED WEEKLY CHILD CARE FEES**  
Effective Fall Semester 2014

	Current Fees	Proposed Fees	Amt. Increase	% Increase
<b>Infant/Toddler</b>				
<b>Student</b>	\$123.00	\$125.00	\$2.00	1.63%
<b>Non-Student</b>	\$144.00	\$147.00	\$3.00	2.08%
<b>Preschool I &amp; II</b>				
<b>Student</b>	\$104.00	\$108.00	\$4.00	3.85%
<b>Non-Student</b>	\$124.00	\$129.00	\$5.00	4.03%

No increase to Other Fees or Discounts

**Implementation Plan:** After BOT approval, UWF/REG 5.010 will be submitted to the Board of Governors for approval in accordance with BOG Regulation 10.004. New fees will be implemented beginning Fall Semester 2015.

**Fiscal Implications:** This increase is necessary to maintain the current program by:

1. Covering the increased costs of payroll, fringe, goods and services.
2. Adjust pricing closer to (but below) market rates.

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**Supporting documents:**

- Proposed BOT Regulation 5.010, with notice and proposed revisions to text
- Exhibit A – Childcare Market Rate Comparison – 2014-15 Survey

**Prepared & Presented by:** Dr. Jim Hurd, Senior Associate Vice President for Student Affairs,  
(850)474-2214, [jhurd@uwf.edu](mailto:jhurd@uwf.edu)

EXHIBIT A

**UWF Comparative Schedule  
Current Local Child Care Rates (Weekly)  
Fall 2014**

	Registration	Infants	Toddlers	2's	3's	4's	School Age	After School
Cokesbury 476-5847	\$150 - 1 time	\$181.00	\$169.00	\$156.00	\$144.00	\$136.00	\$138.00	\$75.00
Kids Klub 478-7090	Annual \$30	\$160.00	\$125.00	\$120.00	\$110.00	\$110.00	\$95.00	\$76.00
LaPetite 478-6772	Annual \$95	\$192.00	\$186.00	\$168.00	\$160.00	\$155.00	\$125.00	\$76.00
*Malena's 994-5140	Annual \$50	\$155.00	\$135.00	\$130.00	\$125.00	\$125.00	\$120.00	\$70.00
Kid's Place 473-8912	\$50 - 1 time	\$140.00	\$120.00	\$115.00	\$110.00	\$110.00	\$95.00	\$60.00
<b>Average</b>		<b>\$165.60</b>	<b>\$147.00</b>	<b>\$137.80</b>	<b>\$129.80</b>	<b>\$127.20</b>	<b>\$114.60</b>	<b>\$71.40</b>
<b>Group Average</b>		\$150.13			\$128.50			
<b>UWF Current Rates</b>								
<b>UWF Student</b>	\$100 - 1 time	\$123.00			\$104.00		\$100.00	\$50.00
Other users	\$50 per Semester	\$144.00			\$124.00		\$100.00	\$50.00
<b>UWF Proposed Rates</b>								
<b>UWF Student</b>	\$100 - 1 time	\$125.00			\$108.00		\$100.00	\$50.00
Other users	\$50 per Semester	\$147.00			\$129.00		\$100.00	\$50.00

Note: UWF ERCCD uses a single rate for both infants and toddlers and for 3's and 4's

Note: Two local providers (Child Care Network and Kiddie Korral) we previously benched marked against have closed due to increased costs

<b>Market Recap and Summary</b>					
	Range	Average	UWF Student	Students Save	Non-Student
Infant	\$140-\$192	\$165.60	\$125.00	\$45.60	\$144.00
Toddler 1	\$120-\$186	\$147.00	\$125.00	\$22.00	\$144.00
Toddler 2	\$115-\$168	\$137.80	\$125.00	\$12.80	\$144.00
3's	\$110-\$160	\$129.80	\$104.00	\$25.80	\$124.00
4's	\$110-\$155	\$127.20	\$104.00	\$23.20	\$124.00

**THE UNIVERSITY OF WEST FLORIDA  
NOTICE OF PROPOSED REGULATION AMENDMENT**

**REGULATION TITLE: UWF/REG- 5.010 *Educational Research Center for Child Development (“ERCCD”)***

**SUMMARY:** The proposed amendments to UWF Regulation 5.010 update the user fees for the Educational Research Center for Child Development (ERCCD). The proposed fee increases have been approved by the ERCCD Board. ERCCD user fees were last increased effective fall 2014.

**AUTHORITY:** BOG Regulations 7.003 and 10.004

**NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:** Jim Hurd, Senior Associate Vice President

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:** Anita Schonberger, Deputy General Counsel, [aschonberger@uwf.edu](mailto:aschonberger@uwf.edu), Phone (850) 474-3420; FAX (850) 474-2203; Bld. 10/Rm 122; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before Monday, February 9, 2015.

**THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE IS: January 23, 2015. THE DATE THIS NOTICE WAS PUBLISHED IN “@UWF”: January 23, 2015.**

**THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:**

**University of West Florida Regulations  
UWF/REG-5.010 Educational Research Center for Child Development.**

(1) The Educational Research Center for Child Development (“ERCCD”) is established at The University of West Florida (“University”) to achieve the following goals:

(a) To give a convenient and affordable educational experience to children of students, faculty, staff, and alumni at the University,

(b) To conduct child development research by drawing on the interdisciplinary resources of the University, and

(c) To provide a setting to learn more about the art of teaching as it is accomplished by parents, professionally trained teachers, and para-professionals.

(2) Admissions Process. The goal of the ERCCD’s admissions process is to be inclusive of children regardless of their race, gender, socio-economic level and ethnicity, as well as physical and mental ability (with or without reasonable accommodation). Nothing in this Section shall be construed to relieve the obligation to pay all fees due under this regulation.

(a) The ERCCD shall give highest admissions priority to the children of current University students and to siblings of children already enrolled in the ERCCD. Such children will be admitted on a first come first served basis.

(b) The second priority served is children of current University faculty and staff.

(c) The third priority is to children of alumni.

(3) The ERCCD is funded by a portion of the Capital Improvement Trust Fund Fees and user fees. Operations may also be financed through Student Activity and Service Fee allocations, grants, and donations in accordance with the law. The receipt and monitoring of all funds are in accordance with the laws of the State of Florida and regulations of the Board of Governors.

(4) Fees. Enrollment at the ERCCD begins once all fees due are paid in full. The fees shall be as follows:

<b>Fall 2015 Tuition User Fees Effective Fall 2015</b>			
<b>Child Age Group</b>	<b>Parent- student or non-student</b>	<b>Weekly Rate</b>	<b>Tuition Hourly Rate</b>
Infants & Toddlers 6 months - 2 years	Student	<del>\$123.00</del> <b>\$125.00</b>	\$5.25/hr 16 hr. min.
Infants & Toddlers 6 months - 2 years	Non-student	<del>\$144.00</del> <b>\$147.00</b>	\$5.75/hr 16 hr. min.
Preschool 3-4 years	Student	<del>\$104.00</del> <b>\$108.00</b>	\$5.00/hr 16 hr. min.

Fall 2015 Tuition User Fees Effective Fall 2015			
Child Age Group	Parent- student or non-student	Weekly Rate	Tuition Hourly Rate
Preschool 3-4 years	Non-student	<del>\$124.00</del> \$129.00	\$5.50/hr 16 hr. min.
Preschool 3-4 years	All parents Drop-in		\$5.00/hr
After School Program 6-10 years	All parents	\$50.00	
School Age Summer Camp 6-10 years	All parents	\$100.00	\$4.25/hr 16 hr. min.

Fall 2015 Other Fees Effective Fall 2015	
Initial Registration Fee	\$100.00 (1 time) (non-refundable)
Semester Registration Fee	\$50.00/semester (non-refundable)
After School Registration Fee	\$35.00/ semester (non-refundable)
Summer Camp Registration Fee	\$35.00/ summer (non-refundable)
Late Payment Fee	\$25.00
Late Pick-up Fees:	
1 <sup>st</sup> time	Courtesy Notice
2 <sup>nd</sup> time	\$15.00 + \$1.00 per minute for each minute after closing
3 <sup>rd</sup> time	\$20.00 + \$1.00 per minute for each minute after closing
Discounts:	
Parent(s) attend Scheduled New Parent Orientation	\$25.00 credit
Two children in program	10% discount off total combined hourly or weekly fees
Three or more children in program	15% discount off total combined hourly or weekly fees

Fee increases shall be submitted to the University of West Florida Board of Trustees and the Florida Board of Governors for approval in accordance with Board of Governors Regulation 10.004.

(5) An ERCCD Advisory Board is established as follows:

(a) The Advisory Board shall consist of faculty members, parents of children in the ERCCD, and at least one representative from the Student Government Association (“SGA”) chosen by the SGA President.

(b) The ERCCD Director may seek recommendations and advice from the Advisory Board on subjects such as admissions priorities, standards of conduct for the children, and fees.

(c) The ERCCD Director, selected by the hiring authority, shall be approved by the ERCCD's Advisory Board.

(6) The ERCCD may furnish internships and clinical experiences for students of the University. Students shall be supervised by the staff of the ERCCD and function under guidelines of both the ERCCD and academic departments.

(7) Any research involving human subjects proposed to be conducted at the ERCCD shall be submitted to the Institutional Review Board (IRB) for approval in accordance with IRB guidelines before being conducted at the ERCCD.

Specific Authority: Florida Board of Governors Regulation 10.004.

History—New 8-22-82, Formerly 6C6-5.010. Converted to UWF/REG 5.010-7/21/05; Amended 9/25/09, 3/8/2010, 3/25/2011, 12/09/2011, 06/14/2012, 10/09/12, 04/22/2014, \_\_\_\_\_.