



UNIVERSITY OF CENTRAL FLORIDA

Office of the President

SUBJECT: Title IX Grievance Policy	Effective Date 5/30/2023	Policy Number 2-012.3	
	Supersedes 2-012.2	Page 1	Of 30
	Responsible Authority Director, Institutional Equity		

DATE OF INITIAL ADOPTION AND EFFECTIVE DATE 8/14/2020

TABLE OF CONTENTS

APPLICABILITY/ACCOUNTABILITY 2

REVOCAION 2

BACKGROUND AND POLICY STATEMENT 2

DEFINITIONS 3

UNIVERSITY PROCEDURES 8

A. MANDATED REPORTING..... 8

B. ACCOMMODATIONS FOR INDIVIDUALS WITH QUALIFYING DISABILITIES 8

C. MAKING A REPORT REGARDING TITLE IX SEXUAL HARASSMENT 9

D. UNIVERSITY RESPONSE AND NON-INVESTIGATORY SUPPORTIVE MEASURES... 10

E. EMERGENCY REMOVAL 10

F. ADMINISTRATIVE LEAVE..... 11

G. TITLE IX GRIEVANCE PROCESS 11

CONTACT 27

RELATED INFORMATION 28

Key: Student Respondent Cases Only 29

Employee Respondent Cases Only 29

APPLICABILITY/ACCOUNTABILITY

The Title IX Grievance Policy became effective on August 14, 2020, and will only apply to Title IX sexual harassment alleged to have occurred on or after August 14, 2020. Incidents of Title IX sexual harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.

This policy applies to the university community, which includes all students and employees; direct support organizations employees (DSOs), and third parties. This policy pertains to acts of prohibited conduct defined herein committed by or against students, university or DSO employees, and third parties when the jurisdictional criteria herein are satisfied.

The requirements and protections of this policy apply equally regardless of sex, gender, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law, or by university regulation or policy. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness.

REVOCACTION

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication.

Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated in accordance with the existing Nondiscrimination Policy (No. 2-004), Regulation UCF-3.001 Nondiscrimination; Affirmative Action Programs, and/or other applicable policies or regulations.

BACKGROUND AND POLICY STATEMENT

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual

violence that interfere with an individual's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 (Final Rule) that:

- Defined the meaning of "sexual harassment" (including forms of sex-based violence) for the purposes of Title IX;
- Addressed how the university must respond to reports of misconduct falling within that definition of Title IX sexual harassment;
- Mandated a grievance process that the university must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of Title IX sexual harassment; and,
- Required implementation of the new regulations by August 14, 2020.

It is the responsibility of every member of the university community to foster an environment free of sexual harassment. Based on the Final Rule, the University of Central Florida (university) prohibits Title IX sexual harassment and implemented the following Title IX Grievance Policy, effective August 14, 2020, to respond to allegations of this nature. A student or university or DSO employee determined by the university to have committed an act of Title IX sexual harassment is subject to disciplinary action, up to and including permanent separation from the university. Third parties who commit acts of Title IX sexual harassment may have their relationship with the university terminated and/or their privileges of being on university premises withdrawn. Nothing in this policy shall abridge an individual's rights to free speech and expression under the First Amendment of the U.S. Constitution.

DEFINITIONS

Advisor. An individual who poses questions authored by the Complainant or Respondent during the cross-examination portion of a live hearing, so that the parties do not have direct contact with each other. An advisor of choice may accompany a Complainant or Respondent to any and all meetings under this policy but may not participate directly in any meetings or hearings except as articulated within this policy. A party may select an advisor at their own expense or request an advisor be appointed to them at no expense by the university for the purpose of the live hearing. The advisor may be an advocate, union representative, or legal counsel, but is not required to be. In the case of matters involving Student Respondents, advisors may directly participate in all aspects of the live hearing, including the presentation of relevant information and questioning of witnesses.

Complainant. For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute Title IX sexual harassment.

Confidential Employee. Any employee who is entitled under state law to have privileged communications. Confidential employees will not disclose information about prohibited conduct to the university without the permission of the student or employee (subject to the exceptions set forth in the confidentiality section of this policy). Confidential employees and resources at the university are the following:

- Health Services employees
- Counseling and Mental Health Services employees
- Employee Assistance Program employees
- Ombuds Office employees
- Victim Services employees
- Student Legal Services employees
- Volunteer chaplains

Confidentiality. Consistent with other university policies and regulations, references made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse.

Consent. An understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. Consent cannot be obtained by force, threat, coercion, reasonable fear of injury, intimidation, use of position of influence, or through one's mental or physical helplessness or incapacity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The lack of a negative response, lack of resistance or protest, and silence are not consent. An individual who is incapacitated (such as by alcohol and/or other drugs both voluntarily or involuntarily consumed) may not give consent. Past consent to sexual activity does not imply ongoing future consent. Consent to sexual activity on a prior occasion does not, by itself, constitute consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of consent. Once consent has been given to a particular sexual activity, it may be withdrawn at any time. An individual who seeks to withdraw consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once consent is withdrawn, the sexual activity must cease immediately.

- a. **Responsibility:** It is the responsibility of the initiator of the sexual activity to obtain clear and affirmative words or actions of a willingness to participate at each stage of sexual involvement.

- b. ***Incapacitation:*** A state where an individual cannot make rational, reasonable decisions because of age, mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated due to the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. A person who is incapacitated lacks the capacity to give consent because they cannot understand the facts, nature, or extent of the sexual interaction. A person seeking to initiate sexual activity is not expected to be a medical expert in assessing incapacitation. The potential initiator must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation.

Being impaired by alcohol or other drugs is no defense to any violation of this Policy.

- c. ***Standard:*** A determination of whether consent exists will be based on the information the initiator of the sexual act knew or should have known as a sober, reasonable person. Being impaired by alcohol or other drugs does not relieve an initiator of a sexual act from obtaining consent.

Decision-Maker. An individual identified by the university to determine, upon objective review of the documentary and testimonial evidence presented, whether the Respondent violated this policy and what, if any, sanctions to apply.

Education Program or Activity. The university's "education program or activity" includes:

- Any on-campus premises
- Any off-campus premises over which the university has substantial control. This includes buildings or property owned or controlled by an officially recognized student organization.
- Any activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of university's programs and activities over which the university has substantial control.

Exculpatory Evidence. Such evidence tending to absolve the alleged violation of university policy.

Formal Complaint. A document – including an electronic submission - filed by a Complainant with a signature or other indication that the Complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging Title IX sexual harassment against a Respondent and requesting initiation of the procedures set forth herein.

Hearing Chair. An individual identified by the university to oversee the live hearing described herein and to assure all parties' adherence to the Rules of Decorum. The chair does not contribute to the decision regarding whether a Respondent violated this policy or any applicable sanctions.

Inculpatory Evidence. Such evidence tending to establish a violation of university policy.

Privacy. References made to privacy mean university offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and identifying systemic issues. The University will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that a request for confidentiality cannot be honored.

Relevant Evidence and Questions. "Relevant" evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Grievance Policy:

- Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
 - They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
 - They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client privilege).
- The Complainant's or Respondent's medical, psychological, and similar records unless they have given informed, voluntary, and written consent.

Respondent. Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.

Responsible Person. Any university or DSO non-student employee who is not a confidential employee, as well as resident assistants, and graduate students with administrative, instructional, or supervisory authority over others. Responsible persons include but are not limited to faculty (full-time and part-time), staff (full-time and part-time), and all university employees identified as Campus Security Authorities (CSAs). The

university reserves the right to designate other individuals involved in university-sponsored/related activities as Responsible Persons on a case-by-case basis.

Sexual Contact. Contact of a sexual or intimate nature including, but not limited to:

- a. Touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; and/or
- b. contact, however slight, between the mouth, anus or sex organ of one individual with either the anus or sex organ of another individual; and/or
- c. contact, however slight, between the anus or sex organ of one individual and any other object.

Support Person. An individual who may accompany the Complainant or Respondent to any and all meetings under this policy but may not participate directly in any meetings or hearings. A Complainant or Respondent may have one support person in addition to their Advisor accompany them throughout the process. A Complainant or Respondent may change their support person at any time so long as the change does not disrupt the process. Examples of a support person include, but are not limited to, a friend, family member, or emotional support person. One individual can serve as both a Support Person and Advisor during the live hearing.

Title IX Sexual Harassment. Any conduct which occurs within the university's education program or activity that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo, or where submission to or rejection of unwelcome conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a university program or activity (e.g., campus housing));
2. Unwelcome conduct of a sexual nature that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual contact that occurs without consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any act of violence or threatened act of violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and, (iii) The frequency of interaction between the persons involved in the relationship;

5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under Florida statute or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Florida; and/or
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress;

And also meets the following criteria:

- a. The conduct is alleged to have occurred on or after August 14, 2020;
- b. The conduct is alleged to have occurred against a person located in the United States; and,
- c. The conduct is alleged to have occurred in or as part of the university's education program or activity.

Note that conduct that does not meet one or more of these criteria may still be prohibited under other applicable policies or regulations including, but not limited to, the Regulation UCF-3.001 Nondiscrimination; Affirmative Action Programs, Nondiscrimination Policy (No. 2-004), and Regulation UCF-5.008 Rules of Conduct.

UNIVERSITY PROCEDURES

A. MANDATED REPORTING

Those individuals designated as Responsible Persons under UCF Policy 2-015 (*Reporting Requirements Related to Nondiscrimination Policy*) are also Responsible Persons under this policy. Nothing in this policy shall alleviate any reporting obligations incumbent on one's status as a responsible person, dean, director, department head, or supervisor as mandated in UCF Policy 2-015.

B. ACCOMMODATIONS FOR INDIVIDUALS WITH QUALIFYING DISABILITIES

This policy does not alter any university obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Complainants and/or Respondents may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the initiation of the Title IX Grievance Policy that do not

fundamentally alter the procedures herein. The Complainants and/or Respondents must specifically request disability accommodations from the Title IX Coordinator for the Title IX Grievance Policy, even where they may be already receiving accommodations in other university programs and activities.

C. MAKING A REPORT REGARDING TITLE IX SEXUAL HARASSMENT

Any person may report sex discrimination, including Title IX sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact information for the University's Title IX Coordinator:

Amber Abud, M.S.

Interim Title IX Coordinator

Office of Institutional Equity

Location: Barbara Ying Center/CMMS (Bldg. 81), Suite 101

Email: Amber.Abud@ucf.edu

Phone: 407-823-1336

Website (including online reporting form): <https://letsbeclear.ucf.edu>

Confidential vs. Nonconfidential Reporting Options

The following university officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator, Deputy Title IX Coordinators, Title IX Investigators, or designees
- Office of Institutional Equity employees
- Student Care Services employees
- UCF Police Department employees, including sworn officers
- Student Conduct and Academic Integrity employees
- Housing and Residence Life employees
- Any employee designated as a Clery Campus Security Authority (CSA)
- Any employee designated as a Responsible Person

The following university officials may provide confidentiality upon receiving a report of conduct prohibited under this policy:

- Counseling and Psychological Services employees
- Student Health Services employees
- Victim Services employees
- Student Legal Services employees

- Volunteer chaplains for religious and nonreligious registered student organizations
- Ombuds Office employees

Please note that statutory exemptions to confidentiality exist under certain circumstances, such as imminent threat of harm to self or others, child or elder abuse, or abuse of an individual with a disability.

D. UNIVERSITY RESPONSE AND NON-INVESTIGATORY SUPPORTIVE MEASURES

Complainants, who report allegations that could constitute a violation of this policy, have the right to receive supportive measures from the university regardless of whether they desire to file a formal complaint. Supportive measures are non-disciplinary and non-punitive. Remedial and supportive measures include, but are not limited to:

- on-campus counseling or employee assistance program referrals
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on communication between the Complainant and Respondent (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

Upon receipt of a report of an alleged violation of this policy, the Title IX Coordinator or designee will promptly contact the Complainant to discuss the availability of supportive measures, inform the Complainant that supportive measures are available regardless of the Complainant's choice to file or not file a formal complaint, and explain the process by which the Complainant may file a formal complaint with the university and with law enforcement.

E. EMERGENCY REMOVAL

The university retains the authority to remove a student Respondent from the university's program or activity on an emergency basis, where the university (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX sexual harassment justifies a removal.

If the university determines such removal is necessary, the student Respondent will be provided notice and an opportunity to challenge the decision immediately following the removal consistent with the Golden Rule Student Handbook.

F. ADMINISTRATIVE LEAVE

The university retains the authority to place a non-student employee Respondent on administrative leave during the review of allegations under this policy, consistent with university regulations and any applicable collective bargaining agreements.

G. TITLE IX GRIEVANCE PROCESS

1. **Filing a Formal Complaint:** The timeframe for the review of an allegation of Title IX Sexual Harassment begins with the filing of a Formal Complaint. The university will endeavor in good faith to complete its investigation and adjudication of an allegation of Title IX Sexual Harassment within the timelines set forth in Appendix I to this policy (specifically, *UCF Timeline of Action Steps Pursuant to Title IX Grievance Policy*). The timelines set forth in Appendix I may be extended for a good reason, which includes but is not limited to: investigations where additional time is necessary to ensure the integrity and completeness of the investigation; to comply with a request by external law enforcement for a temporary delay to gather evidence for a criminal investigation; to accommodate the availability of parties, parties' advisors and/or witnesses; to account for university breaks or vacations; to account for complexities of a case, including the number of witnesses and volume of information provided by the parties; and to implement an accommodation based on disabilities or language assistance in the investigation process. If OIE determines that its process may exceed the applicable timelines set forth in Appendix I, the investigator will advise both the Complainant and Respondent.
 - a. To file a Formal Complaint, a Complainant must provide the Title IX Coordinator or designee with a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this policy if they are currently participating in, or attempting to participate in, the education programs or activities of the university, including as an employee. For Complainants who do not meet these criteria, the university will utilize existing procedures for responding to complaints as documented in UCF Policy 2-004.
 - b. If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The university will inform the Complainant of this decision in writing, and the Complainant need not participate in the investigation further but will receive all notices issued under this policy.

- c. Nothing in this or any other university regulation or policy prevents a Complainant from seeking the assistance of state or local law enforcement alongside utilizing the process described herein.
2. **Consolidation of Multiple Formal Complaints:** The university may consolidate Formal Complaints alleging Title IX sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one individual against the other, where the allegations of Title IX sexual harassment arise out of the same facts or circumstances.
3. **Jurisdictional Assessment:** The Title IX Coordinator or designee will determine if the Title IX Grievance Policy should apply to a Formal Complaint. This policy will apply only when all of the following elements are met, in the reasonable determination of the Title IX Coordinator or designee:
 - a. The conduct is alleged to have occurred on or after August 14, 2020;
 - b. The Respondent(s) is affiliated with the university;
 - c. The Complainant(s) is participating in or attempting to participate in a university educational program or activity;
 - d. The conduct is alleged to have occurred in the United States;
 - e. The conduct is alleged to have occurred in the university's education program or activity; and
 - f. The alleged conduct, if true, would constitute Title IX sexual harassment.If all of the elements are met, the university will investigate the allegations according to this policy.
4. **Allegations Falling Under Two or More Policies:** If the alleged conduct, if true, includes conduct that would constitute Title IX sexual harassment and conduct that would not constitute Title IX sexual harassment, the Title IX Grievance Policy is required to be applied to the investigation and live hearing of only the allegations that constitute Title IX sexual harassment. If the Respondent is accused of allegations beyond the scope of this policy, those allegations may be investigated and/or addressed separately by an appropriate university office(s) before, during, or after the investigation and live hearing under this policy.
5. **Mandatory Dismissal:** The university shall dismiss any Formal Complaint which fails to meet the jurisdictional assessment criteria above. In making this assessment, the university bears the burden of gathering and reviewing available information related to the six factors set forth above. Such mandatory dismissals will be issued, in writing, to the Complainant, explaining the rationale for the dismissal. Once a Formal Complaint is dismissed, the Complainant may appeal the decision to the Vice President, Compliance, Ethics, and Risk or designee. The appeal should be filed in

writing within ten (10) business days, citing how the mandatory dismissal was procedurally incorrect under the Final Rule for Title IX.

6. **Discretionary Dismissal:** The university may, under certain circumstances, exercise discretion in the dismissal of any Formal Complaint on the following bases: (1) the Complainant withdraws the Formal Complaint at any time; (2) the Respondent is no longer affiliated with the university; and/or (3) there is insufficient evidence available to warrant additional investigation. Such discretionary dismissals will be issued, in writing, to both the Complainant and Respondent (if the Respondent has received notice of the Formal Complaint), explaining the rationale for the dismissal. Once a Formal Complaint is dismissed, the Complainant or Respondent (if applicable) may appeal the decision to the Vice President, Compliance, Ethics, and Risk or designee. The appeal should be filed in writing within ten (10) business days, citing how the discretionary dismissal was procedurally incorrect under the Final Rule for Title IX.
7. **Notice of Mandatory Dismissal:** Upon reaching a decision that the Formal Complaint will be dismissed, the university will promptly send written notice of the mandatory dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the mandatory dismissal, to the Complainant and Respondent (if the Respondent has received notice of the Formal Complaint), through the Complainant's university email account. It is the responsibility of Complainant and Respondent to maintain and regularly check their email accounts. Upon mandatory dismissal for the purposes of Title IX, the university retains discretion to utilize other grievance procedures, such as those found in the UCF Policy 2-004, Regulation UCF-5.009, or Regulation UCF-3.0134, to determine if a violation of other university policies or regulations has occurred. If so, the university will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Policy and removal of the allegations to the other procedures.
8. **Notice of Investigation:** The Title IX Coordinator or designee will draft and provide the Notice of Investigation to the Complainant and Respondent to the allegations of Title IX sexual harassment. Such notice will occur as soon as practicable after the university receives a Formal Complaint of the allegations, if there are no extenuating circumstances. The Complainant and Respondent will be notified by their university email accounts if they are a student or employee, and by other reasonable means if they are neither. The university will provide sufficient time for the Complainant and Respondent to review the Notice of Allegations and prepare a response before any initial interview. The Notice of Investigation will include the following:
 - a. Notice of the university's Title IX Grievance Policy and a hyperlink to a copy of the policy.

- b. Notice of the allegations potentially constituting a violation of this policy and, if the Respondent is a student, Regulation 5.008 Rules of Conduct; sufficient details known at the time the Notice is issued, such as the identities of the individuals involved in the incident, if known, including the Complainant; the conduct allegedly constituting Title IX sexual harassment; and the date and location of the alleged incident, if known.
- c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the live hearing.
- d. A statement that the Complainant and Respondent may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- e. A statement that after all individuals have been interviewed but before the conclusion of the investigation, the Complainant and Respondent may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Complainant and Respondent or other source;
- f. A statement that university regulations prohibit knowingly making false statements or knowingly submitting false information during the investigation or live hearing.

If, in the course of an investigation, the university decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Investigation and are otherwise prohibited conduct under this policy, the university will notify the Complainant and Respondent whose identities are known of the additional allegations by email to their university-issued email accounts (@knights.ucf.edu or @ucf.edu) or other reasonable means. The Complainant and Respondent will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

9. **Advisor of Choice and Participation of the Advisor:** The university will provide the Complainant and Respondent equal access to Advisors and Support Persons; any restrictions on Advisor participation will be applied equally to both the Complainant and Respondent. The Advisor may not serve in any other role within the formal hearing process, including as an investigator, decision-maker, hearing chair, or appeal officer.

Students and employees participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice and/or Support Person to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice

is not an advocate. In cases of formal complaints made under this policy against a student Respondent, Advisors for Complainants and Respondents may directly participate in all aspects of the live hearing, including the presentation of relevant information and questioning of witnesses (see “Live Hearing” below).

The university will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for both the Complainant and Respondent are not available, provided that the Advisors act reasonably in providing available dates and work cooperatively to find dates and times that meet all schedules. The university’s obligations to investigate and adjudicate in a prompt timeframe under Title IX and other university policies apply to matters governed under this policy, and the university cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The university will not be obligated to delay a meeting or hearing under this policy more than five (5) business days due to the unavailability of an Advisor of Choice and may offer the Complainant and/or Respondent the opportunity to obtain a different Advisor of Choice or utilize one provided by the university.

10. **Notice of Meetings and Interviews:** The university will provide, to the Complainant and Respondent whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a Complainant and Respondent, with sufficient time for the Complainant and Respondent to prepare to participate.
11. **Request for Delay:** The Complainant and/or Respondent may request a one-time delay in the investigation or live hearing of up to five (5) business days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct and Academic Integrity, Chief Human Resources Officer, or designee) provided that the requesting individual provides reasonable notice, and the delay does not overly inconvenience the other individual. For example, a request to take a five-day pause made an hour before a hearing for which multiple Complainants, Respondents, and/or their Advisors have traveled to and prepared for shall generally not be granted, while a request for a five-day pause in between investigative interviews to allow a Complainant and/or Respondent to obtain certain documentary evidence shall generally be granted.
12. **General Rules Governing Investigations:** The Title IX Coordinator or an assigned Investigator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute Title IX sexual harassment after the issuance of the Notice of Investigation.

- a. The university, and not the Complainant and/or Respondent, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this policy has occurred. This burden does not rest with either the Complainant or Respondent, and either the Complainant or Respondent may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the university and does not indicate responsibility.
 - b. The university cannot access, consider, or disclose medical records without a waiver from the Complainant or Respondent (or parent, if applicable) to whom the records belong or of whom the records include information.
 - c. The university will provide an equal opportunity for the Complainant and Respondent to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., respectively, evidence that tends to prove and disprove the allegations) as described below.
13. **Inspection and Review of Evidence:** Prior to the completion of the investigation, the Complainant and Respondent will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review is to allow the Complainant and Respondent the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation. Evidence that will be available for inspection and review by the Complainant and Respondent will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:
- a. Evidence that is relevant, even if that evidence does not end up being relied upon by the university in making a determination regarding responsibility; and
 - b. inculpatory or exculpatory evidence (i.e., respectively, evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a Complainant, Respondent, or other source.

The Complainant and/or Respondent must submit any evidence they would like the Investigator to consider prior to when the Complainant's or Respondent's time to inspect and review evidence begins.

The university will send the evidence made available for the Complainant and Respondent and their Advisor, if any, to inspect and review through an electronic format. The university is not under an obligation to use any specific mechanism or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The Complainant and Respondent will have ten (10) calendar days to inspect and review the evidence and submit a written response by email to the Investigator. The Investigator will consider the Complainant's and/or Respondent's written responses before completing the Investigative Report. The Complainant and/or Respondent may request a reasonable extension as their designated Request for Delay.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

Evidence obtained in the investigation that is determined in the reasoned judgment of the Investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed or may be appropriately redacted before the Complainant's or Respondent's inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented separately from the Investigative Report that may be reviewed by the Complainant and Respondent, and their Advisors, if any.

14. **Investigative Report:** The Title IX Coordinator or designated Investigator will create an Investigative Report that fairly summarizes relevant evidence and provide that Report to the Complainant and Respondent at least ten (10) calendar days prior to the hearing in electronic format for their review and written response ("10-day review period"). The Investigative Report is not intended to catalog all evidence obtained by the Investigator, but only to provide a fair summary of that evidence. Only relevant evidence (including both inculpatory and exculpatory) will be referenced in the Investigative Report. The Investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

At the conclusion of the 10-day review period, a copy of the Investigative Report will be sent to the Office of Student Rights and Responsibilities (in the case of student Respondents), the university's Provost's Office (in the case of faculty Respondents), or the university's Human Resources office (in the case of non-faculty employee Respondents), who will review the report and initiate the live hearing.

15. **Appeals of Investigations.** Each Party may appeal the investigation prior to referring the investigative findings to the live hearing process. To appeal, a Party must submit its written appeal at the conclusion of the 10-day review period unless notified by OIE that revisions are being made to the Investigative Report, indicating the grounds for the appeal. The limited grounds for appeal available are as follows:

- a. Procedural irregularity that materially affected the outcome of the matter (i.e., a failure to follow the university's own procedures); or
- b. The Title IX Coordinator and/or Investigator(s) had a conflict of interest or bias for or against an individual Party, or for or against Complainants or Respondents in general, that materially affected the outcome of the investigation.

The submission of an appeal suspends the referral of the Investigative Report to the live hearing process to await the outcome of the appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a Party appeals, the university will as soon as practicable notify the other Party in writing of the appeal, however the time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal.

Appeals may be no longer than ten (10) pages, plus relevant documents not otherwise included in the investigation. Appeals should be submitted in electronic form using Times New Roman, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes, and cite to relevant documents. Appeals that do not meet these standards may be returned to the Party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by the Vice President, Compliance, Ethics, and Risk or designee (appeal officer). The appeal officer will be free of conflict of interest and bias, and will not otherwise serve as the Investigator, Title IX Coordinator, or Decision-Maker in the same matter.

The outcome of any appeal will be provided in writing simultaneously to both Parties and include a rationale for the decision.

No further appeal options regarding the investigative findings or investigative process are provided.

16. **Live Hearing:** The university will not issue a disciplinary sanction arising from an allegation of Title IX sexual harassment without holding a live hearing. The live hearing may be conducted with the Complainant and Respondent physically present in the same geographic location, or, at the university's discretion, the Complainant and/or Respondent, witnesses, and other participants may appear at the live hearing virtually through a designated video conferencing platform. This technology will enable participants simultaneously to see and hear each other. If a Hearing is

convened electronically, all participants will be expected to be able to be seen and heard. It is incumbent on the Complainant and Respondent to provide their own technology if participating in a hearing remotely. At its discretion, the university may delay or adjourn a hearing based on technological errors not within a Complainant's and/or Respondent's control. The live hearing will be audio-recorded. This recording will be made available to the Complainant and Respondent for inspection and review.

- a. **Written Notice of Live Hearing:** Parties will receive written notice of the live hearing via email at least seven (7) business days prior to the live hearing and access to all relevant information to be presented at the hearing at least five (5) business days prior to the live hearing.
- b. **Continuances:** The university may determine that multiple sessions or a continuance (i.e., a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the university will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.
- c. **Newly Discovered Evidence:** As a general rule, no new evidence or witnesses may be submitted during the live hearing. If the Complainant or Respondent identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the Complainant or Respondent may request that such evidence or witnesses be considered at the live hearing. The designated Hearing Chair will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The individual offering the newly discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence. If the Hearing Chair answers in the affirmative to both questions, then the Complainant and Respondent will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.
- d. **Participation in the Live Hearing:** Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:
 - i. **The Complainant and Respondent**
 1. The Complainant and Respondent cannot waive the right to a live hearing.
 2. The university may still proceed with the live hearing in the physical absence of a Complainant or Respondent and may reach a determination of responsibility in their absence. The university will not threaten, coerce, intimidate, or discriminate

against the Complainant or Respondent in an attempt to secure their participation in the live hearing.

3. The Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a Complainant's or Respondent's absence from the live hearing or refusal to answer cross examination or other questions.
4. The Complainant and Respondent shall be subject to the university's Rules of Decorum and may be removed upon violation of those Rules.

ii. The Hearing Chair:

1. A Hearing Chair will be assigned to oversee the live hearing.
2. The Hearing Chair must not have served as the Title IX Coordinator, Investigator, Advisor or Support Person to the Complainant or Respondent in the case, nor may the Hearing Chair serve on the appeals body in the case.
3. No Hearing Chair shall have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Complainant or Respondent to the particular case.
4. The Hearing Chair will be trained on topics including how to serve impartially, issues of relevance, including how to apply the prior sexual history evidentiary protections provided for Complainants, and any technology to be used at the hearing.
5. The Complainant and Respondent will have an opportunity to raise any objections regarding a Hearing Chair's actual or perceived conflicts of interest or bias. Objections must be filed no later than three (3) business days after notification of the identity of the Hearing Chair assigned to the live hearing.
6. The Hearing Chair is responsible for administering the procedure of the live hearing, including refereeing cross-examination and ensuring adherence of all parties to the Rules of Decorum. The Hearing Chair is not responsible for determining if this policy was violated or for determining any sanctions.

iii. The Decision-Maker:

1. The Decision-Maker must not have served as the Title IX Coordinator, Investigator, Advisor or Support Person to the Complainant or Respondent in the case, nor may the Decision-Maker serve on the appeals body in the case.
2. No Decision-Maker shall have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or

in favor or against the Complainant or Respondent to the particular case.

3. The Decision-Maker will be trained on topics including how to serve impartially, issues of relevance, including how to apply the prior sexual history evidentiary protections provided for Complainants, and any technology to be used at the hearing.
4. The Complainant and Respondent will have an opportunity to raise any objections regarding a Decision-Maker's actual or perceived conflicts of interest or bias. Objections must be filed no later than three (3) business days after notification of the identity of the Decision-Maker assigned to the live hearing. The Decision-Maker's role in the live hearing is to neutrally and objectively review the information presented, to ask relevant questions of parties and witnesses, and to determine an outcome and appropriate sanctions, as applicable.

iv. Advisors

1. The Complainant and Respondent have the right to select an Advisor of their choice.
2. The Advisor of Choice may accompany the Complainant or Respondent to any meeting or hearing they are permitted to attend.
3. In cases involving employee Respondents, the Advisors for each party may not speak for the individual, except for the purpose of cross-examination at the live hearing as described.
4. In cases involving student Respondents, the Advisors for each party may directly participate in all aspects of the live hearing, including the presentation of relevant information and cross-examination. Advisors may not respond to cross-examination questions on behalf of a party.
5. If a Complainant or Respondent does not have an Advisor of Choice for the live hearing, the university will appoint an Advisor to the individual, at no fee or charge.
6. The Complainant and Respondent are not permitted to conduct cross-examination; it must be conducted by the Advisor.
7. The Advisor is not prohibited from having a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Complainant or Respondent to the particular case.
8. The Advisor is not prohibited from being a witness in the matter.
9. If a Complainant or Respondent does not attend the live hearing, their Advisor may appear and conduct cross-examination at the live hearing on their behalf.

10. If neither the Complainant, Respondent, nor their Advisor of choice appear at the hearing, the university will appoint an Advisor to appear on behalf of the non-appearing Complainant or Respondent for the purpose of conducting cross-examination on behalf of the individual at the live hearing.
11. Advisors shall be subject to the university's Rules of Decorum and may be removed upon violation of those Rules.

v. **Support Person**

1. The Complainant and/or Respondent may have one support person accompany them throughout the investigation and live hearing in addition to the Advisor. This individual's role is to support the Complainant or Respondent throughout the live hearing, but this individual may not otherwise participate in the live hearing.
2. The university will not appoint a support person to a Complainant or Respondent.
3. Support persons shall be subject to the university's Rules of Decorum and may be removed upon violation of those Rules.

vi. **Witnesses**

1. Witnesses cannot be compelled to participate in the live hearing and have the right, free from retaliation, to participate or not to participate in the hearing.
2. Witnesses shall be subject to the university's Rules of Decorum and may be removed upon violation of those Rules.

17. **Live Hearing Procedures:** For all live hearings conducted under this Title IX Grievance Policy, the procedure will be as follows:

- a. The Hearing Chair will initiate the hearing and establish rules and expectations for the hearing, including the Rules of Decorum;
- b. The Complainant and Respondent will each be given the opportunity to provide opening statements;
- c. The Decision-Maker will ask questions of the Complainant, Respondent, and Witnesses;
- d. The Complainant and Respondent will be given the opportunity for live cross-examination after the Decision-Maker conducts the initial round of questioning of each individual or Witness;
- e. During the Complainant's and/or Respondent's cross-examination, the Hearing Chair will have the authority to pause cross-examination at any time for the purposes of allowing the Decision-Maker to ask their own follow up

questions; and any time necessary in order to enforce the established Rules of Decorum.

- f. Should the Complainant, Respondent, or their Advisor choose not to cross-examine an individual, the Complainant and/or Respondent shall affirmatively waive cross-examination through a written or oral statement to the Hearing Chair and Decision-Maker. A Complainant's and/or Respondent's waiver of cross-examination does not eliminate the ability of the Decision-Maker to use statements made by the individual who would have been subject to that cross-examination.
18. **Live Cross-Examination Procedures:** Each Complainant's or Respondent's Advisor will conduct live cross-examination of the other individual and Witnesses unless the right to cross-examination is waived by the Advisor or the Complainant or Respondent. The Complainant and Respondent may not themselves pose questions during cross-examination. During this live cross-examination the Advisor will ask the other individual and any Witnesses relevant questions and follow-up questions authored by the Complainant or Respondent (including those questions challenging credibility) directly, orally, and in real time. Before any cross-examination question is answered, the Hearing Chair will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Hearing Chair may be deemed irrelevant if they have been asked and answered. Cross-examination questions which call into question prior sexual history of the Complainant may also be deemed irrelevant as noted above.
19. **Evaluations of Testimony and Evidence:** While the opportunity for cross-examination is required in all Title IX hearings under this policy, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.
- a. Decision-makers shall not draw inferences regarding a Complainant's, Respondent's, or Witness' credibility based on their status as a Complainant, Respondent, or Witness, nor shall it base its judgments in stereotypes about how a Complainant, Respondent, or Witness would or should act under the circumstances.
 - b. Generally, credibility judgments should rest on the plausibility of a Complainant, Respondent or Witness's testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.
 - c. Still, credibility judgments should not rest on whether a Complainant's, Respondent's, or Witness' testimony is non-linear or incomplete, or if the Complainant, Respondent, or Witness is displaying stress or anxiety.

- d. Decision-makers will afford the highest weight relative to other testimony to first-hand testimony by the Complainant, Respondent, and Witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory evidence will be weighed in equal fashion.
 - e. Except where specifically barred by the Title IX Final Rule, a Witness's testimony regarding third-party knowledge of the facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.
 - f. The Final Rule requires that the university allow the Complainant and Respondent to call "expert witnesses" for direct and cross examination. The university does not provide for expert witnesses in other nondiscrimination proceedings. While the expert witness will be allowed to testify and be cross examined as required by the Final Rule, the Decision-Maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether the Complainant or Respondent present experts as witnesses.
 - g. The Final Rule requires that the university allow the Complainant and Respondent to call character witnesses to testify. The university does not provide for character witnesses in other nondiscrimination proceedings. While the character witnesses will be allowed to testify and be cross examined as required by the Final Rule, the Decision-Maker will be instructed to afford very low weight to any non-factual character testimony of any witness.
 - h. The Final Rule requires that the university admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed and be subject to cross-examination as required by the Final Rule, the Decision-Maker will be instructed to afford lower weight to such processes and accompanying testimony relative to the testimony of fact witnesses.
 - i. Where the Complainant's, Respondent's, or Witness' conduct or statements demonstrate that the individual is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision-Maker may draw an adverse inference as to that individual's credibility.
20. **Review of Live Hearing Recording:** The recording of the hearing will be available for review by the Complainant and Respondent within ten (10) business days, unless there are any extenuating circumstances.

21. **Determinations of Responsibility:** The university uses the preponderance of the evidence standard for both investigations and determinations regarding responsibility of formal complaints covered under this policy. This means that the investigation and hearing determine whether it is more likely than not that a particular fact or violation of the policy occurred. The written Determination of Responsibility will be issued simultaneously to the Complainant and Respondent through their university email account, or other reasonable means as necessary. The Determination will include:

- a. Identification of the allegations potentially constituting Title IX sexual harassment;
- b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the Complainant or Respondent, interviews with the Complainant or Respondent, and Witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding which section of the Rules of Conduct (for students) or which University Regulation or policy (for employees), if any, the Respondent has or has not violated.
- e. For each allegation:
 - i. A statement of, and rationale for, a determination regarding responsibility;
 - ii. A statement of, and rationale for, any disciplinary sanctions the university imposes on the Respondent; and
 - iii. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the Complainant; and
 - iv. The university's procedures and the permitted reasons for the Complainant and Respondent to appeal (described below in "Appeal").

If there are no extenuating circumstances, the Determination of Responsibility will be issued by the university within five (5) calendar days of the completion of the live hearing.

22. **Finality:** The determination regarding responsibility becomes final either on the date that the university provides the Complainant and Respondent with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

23. **Appeal of Live Hearing Outcome:** The Complainant or Respondent may appeal a Determination of Responsibility. To appeal, the individual must submit its written appeal within ten (10) business days of being notified of the decision, indicating the grounds for the appeal. The limited grounds for appeal available are as follows:
- a. Procedural irregularity that materially affected the outcome of the matter (i.e., a failure to follow the university's own procedures);
 - b. New evidence that was not reasonably available at the time the Determination of Responsibility was made, that could materially affect the outcome of the matter;
 - c. The Hearing Chair and/or Decision-Maker(s) had a conflict of interest or bias for or against the Complainant or Respondent, or for or against Complainants or Respondents in general, that materially affected the outcome of the matter; or
 - d. For students, any other ground for appeal established in an applicable student appeal procedure in university policy or regulation.

The submission of appeal suspends any sanctions awaiting the outcome of the appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If the Complainant or Respondent appeals, the university will as soon as practicable notify the other individual in writing of the appeal, however the time for appeal shall be offered equitably to the Complainant and Respondent and shall not be extended for any individual solely because the other individual filed an appeal.

Appeals may be no longer than ten (10) pages, plus relevant documents not otherwise included in the investigation or live hearing documentation. Appeals should be submitted in electronic form using Times New Roman, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes, and cite to relevant documents. Appeals that do not meet these standards may be returned to the Complainant or Respondent for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals in cases where the Respondent is an employee will be decided by the Vice President, Compliance, Ethics, and Risk or designee. Appeals in cases where the Respondent is a student will be decided by the Vice President of Student Development and Enrollment Services or designee. The appeal officer will be identified in the Determination of Responsibility letter. The appeal officer will be free of conflict of interest and bias, and will not otherwise serve as the Investigator, Title IX Coordinator, Hearing Chair or Decision-Maker in the same matter.

The outcome of any appeal will be provided in writing simultaneously to both the Complainant and Respondent and include a rationale for the decision.

RETALIATION

The university will keep the identity of any individual who has made a report or complaint of Title IX sexual harassment confidential, including the identity of any individual who has made a report or filed a Formal Complaint of Title IX sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of Title IX sexual harassment, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. Retaliation includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations.

Complaints alleging retaliation may be filed according to UCF's Nondiscrimination Policy (No. 2-004) or UCF Policy 2-700 Reporting Misconduct and Protection from Retaliation.

CONTACT

Title IX Coordinator for UCF:

Amber Abud, M.S.

Interim Title IX Coordinator

Office of Institutional Equity

Location: Barbara Ying Center/CMMS (Bldg. 81), Suite 101

Email: Amber.Abud@ucf.edu Phone: 407-823-1336
Website (including online reporting form): <https://letsbeclear.ucf.edu> &
www.oie.ucf.edu

RELATED INFORMATION

[Let's Be Clear \(Title IX\) Website and Reporting Form](#)

[UCF Policy 2-004 Nondiscrimination Policy](#)

[The Golden Rule Student Handbook \(including the Rules of Conduct\)](#)

[The full text of the U.S. Department of Education's Title IX Final Rule and its extensive Preamble](#)

INITIATING AUTHORITY: Vice President for Compliance, Ethics, and Risk

POLICY APPROVAL (For use by the Office of the President)	
Policy Number: 2-012.3	
Initiating Authority and University Policies and Procedures Committee Chair:	 Date: <u>5/24/2023</u>
President or Designee:	 Date: <u>5/30/2023</u>

History: 2-012, 8/14/2020; 2-012.1, 10/13/2021; 2-012.2 9/16/2022

APPENDIX I

UCF Timeline of Action Steps Pursuant to Title IX Grievance Policy

Key: ■ Student Respondent Cases Only
■ Employee Respondent Cases Only

Action Step	Responsible Party	Timeline <i>Timelines are subject to extension for good cause and impacts of circumstances not within University's control including but not limited to parties' and witnesses' responsiveness, rescheduling based on parties' and/or attorneys' schedules, parties' needs for extensions, University closures (I.e. holidays, winter break, hurricane closures), and deadline falls on a weekend</i>	Cumulative Timeline <i>Not including appeals</i> <i>Timelines are subject to extension for good cause and impacts of circumstances not within University's control including but not limited to parties' and witnesses' responsiveness, rescheduling based on parties' and/or attorneys' schedules, parties' needs for extensions, University closures (I.e. holidays, winter break, hurricane closures), and deadline falls on a weekend</i>
Receipt of report and issuance of case management email to Remedial Measures Specialist and/or Investigator	Title IX Coordinator or designee	Within 2 days of receipt of incident report	2 calendar days
Remedial measures outreach	Remedial Measures Specialist	Within 3 days of case management email	5 calendar days
Intake meeting with investigator	Title IX Investigator or EEO Investigator	Within 7 days of case management email, unless declined by Complainant, Complainant is nonresponsive to outreach, or Complainant requests later meeting	9 calendar days
Assessment of jurisdiction/action and subsequent issuance: Notice of investigation OR Dismissal Memo	Title IX Investigator or EEO Investigator	Within 15 days of receipt of signed formal complaint from Complainant	24 calendar days
Conclusion of investigation and issuance of investigative report	Title IX Investigator or EEO Investigator	Within 105 days of issuance of Notice of Investigation	129 calendar days
Review and response by parties	Complainant(s); Respondent(s); Title IX Investigator or EEO Investigator	10 days from issuance of investigative report; investigator then issues report and supporting documents to OSRR (student matters) or Human Resources/Office	139 calendar days

		of Provost (employee matters)	
Cause recommendation from OSRR and referral to SCAI (student matters only)	Deputy Title IX Coordinator for Students	6 days from receipt of referral from OIE	145 calendar days
Live Hearing	Student Conduct & Academic Integrity	Within 30 days of cause recommendation	175 calendar days
	Human Resources or Office of Provost	Within 30 days of expiration of 10-day review period of investigative report	169 calendar days
Issuance of outcome letter	Student Conduct & Academic Integrity	Within 5 days of conclusion of the live hearing	180 calendar days
	Human Resources or Office of Provost	Within 5 days of conclusion of the live hearing	174 calendar days

UCF Timeline for Appeals Pursuant to Title IX Grievance Policy

Action Step	Responsible Party	Timeline <i>Timelines are subject to extension for good cause</i>
Party Appeal of OIE Investigation A party may file an appeal of OIE's investigative report within 10 calendar days of OIE issuing the report to the parties	Complainant(s); Respondent(s)	Within 10 calendar days of OIE issuing the investigative report
Investigative Appeal If one or more parties file an appeal within 10 days of issuance of OIE's investigative report to the parties; investigative appeal review and issuance of appeal outcome letter	Appellate Officer: VP Compliance, Ethics, and Risk or designee	Within 20 business days of receipt of the appeal(s)
Party Appeal of Adjudication	Complainant(s); Respondent(s)	Within 10 business days of issuance of the outcome letter
Adjudication Appeal If one or more parties file an appeal within 10 business days of issuance of the live hearing or administrative hearing outcome letter; adjudication appeal review and issuance of appeal outcome letter	Vice President of Student Success and Wellbeing or designee	Within 20 business days of receipt of the appeal(s)
	Vice President of Compliance, Ethics, and Risk or designee	Within 20 business days of receipt of the appeal(s)