



UNIVERSITY OF CENTRAL FLORIDA

**Office of the President**

<b>SUBJECT:</b> Reporting Requirements Related to Nondiscrimination	<b>Effective Date:</b> 9/16/2022	<b>Policy Number</b> 2-015	
	<b>Supersedes:</b>	<b>Page</b> 1	<b>Of</b> 7
	<b>Responsible Authority:</b> Director, Institutional Equity		

**APPLICABILITY/ACCOUNTABILITY**

This policy applies to the university community.

**DEFINITIONS**

**Campus Security Authority (CSA).** Individuals who are members of the campus police department; any individual who has responsibility for campus security but who does not constitute a member of the campus police department; any individual or organization specified in the university's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; and any employee of the university who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings. CSAs at UCF include but are not limited to members of the campus police department, Student Affairs officials, Housing and Residence Life officials, Fraternity and Sorority Life professional staff (or related positions), athletic administrators (including Director, Assistant Directors, Coaches, and Trainers), Student Conduct officials, Office of Institutional Equity professional staff, faculty and staff advisors to registered student organizations, administrators at any UCF campus and instructional site, any individual who has the authority and the duty to take action or respond to particular issues on behalf of the university, and any individual who has significant responsibility for students and campus activities.

**Complainant.** An individual who discloses having been subjected to any prohibited conduct under the university's *Nondiscrimination Policy* (No. 2-004) or *Title IX Grievance Policy* (No. 2-012), regardless of whether that person makes a report or seeks action under these policies. The university recognizes that an individual may choose to self-identify as a victim or a survivor. For consistency in these policies, the university uses the term complainant to maintain the neutrality of the policies and procedures.

**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 of Central Florida 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

**Employee.** Any individual employed by the University of Central Florida, including all full-time and part-time faculty, employees classified as Administrative and Professional (A&P), employees classified as University Support Personnel System (USPS), post-doctoral employees, professional research assistants, and OPS non-student employees.

**Privileged Communication.** A private statement that must be kept in confidence by the recipient for the benefit of the communicator. Some examples of a privileged communication are statements made between an attorney and a client, a doctor and a patient, and a priest and a penitent.

**Respondent.** Any individual or group who has been accused of violating the university's *Nondiscrimination Policy* or *Title IX Grievance Policy*.

**Responsible Person.** Any university or Direct Support Organization ("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 those 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.

**Student.** Any individual defined as a student in the University of Central Florida's Regulation UCF-5.006(3) and *The Golden Rule Student Handbook*.

## **POLICY STATEMENT**

An individual's responsibility to report under the *Nondiscrimination Policy* (No. 2-004) or the *Title IX Grievance Policy* (No. 2-012) is governed by the individual's role at the university. Confidential employees (as defined herein) are not required to report unlawful discrimination, unlawful harassment, sexual assault, sexual exploitation, relationship violence, stalking, sexual, gender-based, or Title IX sexual harassment, aiding and abetting in the commission of any act prohibited by the *Nondiscrimination Policy* (No. 2-400 and *Title IX Grievance Policy* (No. 2-012), and retaliation against a person for reporting, in good faith, any of these forms of conduct or participating in or being a party to any investigation or proceeding under these policies (collectively, "Prohibited Conduct") to the university when the disclosure is made while serving in the role that entitles them under state law to have privileged communications.

Responsible persons (as defined herein) are required to immediately report to the university's Office of Institutional Equity all relevant details known (obtained directly or indirectly) or should have been known about an incident of sex/gender-based discrimination or harassment, sexual harassment, Title IX sexual harassment, sexual assault, sexual exploitation, relationship violence, and/or stalking (as defined in the *Nondiscrimination Policy*, No. 2-004) that involves any student as a complainant, respondent, and/or witness, including dates, times, locations, and names of parties and witnesses. A responsible person's failure to do so may result in disciplinary action, up to and including termination of employment. This manner of reporting may help inform the university of the general extent and nature of this conduct on and off campus so the university can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. If a responsible employee is uncertain if specific conduct constitutes conduct that must be reported, the responsible employee should contact the Office of Institutional Equity for assistance with making this determination.

Responsible persons are not required to report information disclosed (1) at public awareness events (e.g., "Light Up the Night," Clothesline Project, candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose incidents of Prohibited Conduct (collectively, "Public Awareness Events"); (2) during a student's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research"); or (3) as part of coursework submitted to an instructor in connection with a course assignment or capstone experience (such as a paper, thesis, or dissertation). Even in the absence of such obligation, all employees are encouraged to contact the Title IX coordinator if they become aware of information that suggests a safety risk to the university community or any member thereof. The university may provide information about students' Title IX and/or other civil rights and about available university and community resources and support at Public Awareness Events. Also, Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all student subjects of IRB Research.

## **DEAN, DIRECTOR, DEPARTMENT HEAD, AND SUPERVISOR REPORTING OBLIGATIONS**

Deans, directors, department heads, and supervisors are required to report to the Office of Institutional Equity all relevant details about an incident of Prohibited Conduct where the respondent is a university or DSO employee or volunteer. Reporting is required when such deans, directors, department heads and supervisors know (by reason of direct or indirect disclosure) or should have known of such Prohibited Conduct. Failure to do so may result in disciplinary action, up to and including termination of employment. If a dean, director, department head or supervisor is uncertain if specific conduct constitutes conduct that must be reported, the Office of Institutional Equity should nevertheless be contacted for assistance with making this determination.

In addition, if an employee with supervisory duties and responsibilities knows or should have known that an employee has professional responsibilities that make it possible for them to influence the status or circumstance of a student or another employee with whom the employee has or has had an amorous relationship, the employee with supervisory duties and responsibilities is obligated to report this to the Office of Institutional Equity.

All university and DSO employees and volunteers are strongly encouraged to report to law enforcement any conduct that could potentially present a danger to the community or may be a crime under Florida law.

## **CLERY REPORTING OBLIGATIONS**

Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), certain university employees are designated as a Campus Security Authority (CSA). The function of a CSA is to report to the UCF Police Department those allegations of Clery Act and/or Violence Against Women Act (“VAWA”) crimes that they receive and believe were made in good faith. This includes crimes where the victim chooses to remain anonymous. Based on information reported to CSAs, the university includes statistics about certain criminal offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the university to issue emergency notifications and timely warnings to the university community about certain reported crimes that may pose a serious or continuing threat to the campus community. Consistent with the Clery Act and UCF Policy 3-116 *Emergency Notification (UCF Alert) System*, the university will never include a complainant’s personal identifying information when issuing an emergency notification and/or timely warning to the university community. Pastoral counselors and professional counselors are exempt from reporting when a crime is reported to them and they are functioning within the scope of that recognition or licensure, unless required by law. Certain incidents may require both a Clery CSA report and a report to OIE when both responsibilities are implicated.

## CHILD ABUSE REPORTING OBLIGATIONS

All university and DSO employees and volunteers are mandated reporters of child abuse, neglect or abandonment as defined by Chapter 39 of the Florida Statutes and must comply with Florida's mandated reporting laws. See Florida Statutes Sections 39.201 to 39.205 and UCF Policy 2-005 *Youth Protection* for additional information on reporting of child abuse. These laws and university policy require any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected to report such knowledge or suspicion to the Florida Department of Children and Families (DCF), regardless of where it occurs. For purposes of this section, the age of the person at the time of the incident of child abuse, neglect, or abandonment (not the time when the employee is made aware or has reasonable cause to suspect the abuse) triggers the reporting duty. In addition, Florida Statutes and Board of Governors Regulation require the UCF Police Department and certain administrators (president, provost, senior/executive vice presidents, vice presidents, associate vice presidents, associate/vice provosts, deans, chief of police, equal opportunity programs director, intercollegiate athletics director, internal audit director, Title IX coordinator, and university compliance officer) upon receiving information from faculty, staff, or other institutional employees of known or suspected child abuse, abandonment, or neglect committed on university property, or during a university-sponsored event or function to report such knowledge or suspicion to the DCF. The law further prohibits UCF administrators from knowingly and willfully preventing another person from reporting such activity. Reports can be made to the DCF by:

- Fax: 1-800-914-0004 (Form available at
- <https://www.myflfamilies.com/service-programs/abuse-hotline/docs/faxreport.pdf>)
- Web: <https://reportabuse.dcf.state.fl.us/>
- Florida Abuse Hotline: 1-800-96ABUSE (1-800-962-2873) (Or TDD: 1-800-453-5145)

**If a child is in imminent danger, dial 911 first and then report to DCF.** Certain incidents may require both a DCF report and a report to OIE when both responsibilities are implicated.

## UNDERSTANDING THE DIFFERENCE BETWEEN PRIVACY AND CONFIDENTIALITY

The university is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. The university also is committed to providing assistance to help students, university and DSO employees and volunteers, and third parties make informed choices. With respect to any report under the University's *Nondiscrimination Policy* (No. 2-004) and *Title IX Grievance Policy* (No. 2-012), the university will take reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects. Privacy and confidentiality have distinct meanings under these policies.

**Privacy:** Privacy means that information related to a report of Prohibited Conduct will be shared with a limited number of university employees who “need to know” in order to assist in support of the parties and in the assessment, investigation, and resolution of the report. All employees who are involved in the university’s response to reports of Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined at <http://registrar.ucf.edu/ferpa>. The privacy of an individual’s medical and related records generally is protected by the Health Insurance Portability and Accountability Act (“HIPAA”) and/or state laws governing protection of medical records. Access to an employee’s personnel records may be restricted in accordance with Florida law and applicable collective bargaining agreements.

**Confidentiality:** Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, victim advocates, and ordained clergy, all of whom may engage in confidential communications under Florida law. Under Florida law, these confidential employees must report to authorities if an individual discloses they are a minor (under 18), a judge subpoenas the university to release information to the court, an individual expresses homicidal or suicidal intent, or the confidential employee receives knowledge that a minor (under 18), elder, or person with an intellectual disability is at risk for abuse. The university has designated individuals who have the ability to have privileged communications as confidential employees. When information is shared by an individual with a confidential employee or a community professional with the same legal protections, the confidential employee (and/or such community professional) cannot reveal any information that could identify the individual to any third-party except where required or permitted by law. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse, neglect, or exploitation of a minor under the age of 18 or a vulnerable adult (as defined in Florida Statutes Section 415).

## CONTACTS

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**INITIATING AUTHORITY**

Vice President, University Compliance, Ethics, and Risk

**POLICY APPROVAL**  
**(For use by the Office of the President)**

Policy Number: 2-015

Initiating Authority and University Policies and Procedures Committee Chair:  Date: 8/30/22

President or Designee: \_\_\_\_\_ Digitally signed by Alexander Cartwright Date: 2022.09.16 09:10:41 -06'00' Date: 9/16/2022