Remedial Measures, Prevention, & Education Related to Nondiscrimination

Policy Number	2-016
Responsible Authority	Associate Vice President, Deputy Chief Compliance and Ethics Officer
Initiating Authority	Vice President, People and Workplace Experience
Effective Date	9/16/2022
Date of Origin	9/16/2022

APPLICABILITY/ACCOUNTABILITY

This policy applies to the university community.

DEFINITIONS

Complainant. An individual who discloses having been subjected to any prohibited conduct under the university's *Nondiscrimination Policy* (No. 2-004) or the *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.

Respondent. Any individual or group who has been accused of violating the *Nondiscrimination Policy* (No. 2-004) or the *Title IX Grievance Policy* (No. 2-012).

COMPLAINANT OPTIONS FOR REPORTING

There are two channels for reporting discrimination, 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 university's *Nondiscrimination Policy* (No. 2-004) and retaliation (collectively, "Prohibited Conduct") – to the university and/or to law enforcement. A complainant may choose to report through either channel or to both as these reporting options are not mutually exclusive. Therefore, complainants may choose to pursue both the university process and the criminal process concurrently. The university will support complainants in understanding, assessing, and pursuing these options.

The first priority for any individual should be personal safety and well-being. In addition to seeking immediate medical care, the university encourages all individuals to seek immediate assistance from 911, UCF Police, and/or local law enforcement. This is the best option to ensure preservation of evidence. The university also strongly urges that law enforcement be notified immediately in situations that may present imminent or ongoing danger.

A. REPORTING TO LAW ENFORCEMENT

Conduct that violates the *Nondiscrimination Policy* (No. 2-004) may also constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the State of Florida criminalizes and punishes some forms of sexual assault, relationship violence, sexual exploitation, stalking, and physical assault. See Chapters 741, 784, and 794 of the Florida statutes. Whether or not any specific incident of Prohibited Conduct may constitute a crime is a decision made solely by law enforcement. Similarly, the decision to arrest any individual for engaging in any incident of Prohibited Conduct is determined solely by the law enforcement agency responsible for investigating the incident. Such decisions are based on a number of factors, including availability of admissible evidence.

Complainants have the right to notify or decline to notify law enforcement. In keeping with its commitment to take all appropriate steps to eliminate, prevent, and remedy all Prohibited Conduct, the university urges complainants (or others who become aware of potential criminal conduct) to report Prohibited Conduct immediately to local law enforcement by contacting:

i. 911 (for emergencies); 24/7 Emergency Abroad Hotline: (407) 823-0595
ii. University Police (for non-emergencies): (407) 823-5555
iii. State Police (for conduct occurring off campus) (850) 410-7000
iv. Orange County Sheriff's Office: (407) 254-7000
v. Seminole County Sheriff's Office: (407) 665-6600
vi. City of Orlando Police Department: (407) 246-2470
vii. Brevard County Sheriff's Office: (321) 264-5201
viii. Osceola County Sheriff's Office: (407) 348-1100
ix. Volusia County Sheriff's Office: (386) 943-7866
x. Lake County Sheriff's Office: (352) 343-2101
xi. Marion County Sheriff's Office: (352) 402-6000

Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking an injunction. Although a police report may be made at any time, complainants should be aware that delayed reporting may diminish law enforcement's ability to take certain actions, including collecting forensic evidence and making arrests. The university will assist complainants in notifying law enforcement if they choose to do so. Under limited circumstances posing a threat to the health or safety of any university community member, the university may independently notify law enforcement.

B. REPORTING TO THE UNIVERSITY

Complainants (or others who become aware of an incident of Prohibited Conduct) are encouraged to report the incident to the university by contacting the Office of Nondiscrimination & Accommodations Compliance by telephone, email, or in person during regular office hours (8am-5pm, M-F):
Office of Nondiscrimination & Accommodations Compliance
12701 Scholarship Drive, Suite 101

Orlando, FL 32816-0030
(407) 823-1336
onac@ucf.edu; https://onac.ucf.edu; https://letsbeclear.ucf.edu

There is no time limit for a complainant to report Prohibited Conduct to the university; however, the university's ability to respond may diminish over time, as evidence may erode, memories may fade, and respondents may no longer be affiliated with the university. This statement does not relieve responsible employees of their obligation to report sex/gender-based discrimination or harassment, sexual harassment, Title IX sexual harassment, sexual assault, relationship violence, sexual exploitation and/or stalking involving a student immediately to the Office of Nondiscrimination & Accommodations Compliance. See the university's *policy Reporting Requirements Related to Nondiscrimination* (No.2-015). If the respondent is no longer a student, or university or DSO employee or volunteer, the university will provide reasonably appropriate remedial measures, assist the complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

To encourage reporting, any individual (including a bystander or third-party) who makes a good faith report of Prohibited Conduct will not be subject to disciplinary action by the university for the reporter's own personal use of alcohol or drugs at or near the time of the incident provided any such violations did not harm or place the health or safety of any other person at risk. The university may offer support, resources, and educational counseling to such an individual.

ACCESSING CAMPUS AND COMMUNITY RESOURCES AND SUPPORTIVE MEASURES

The university offers a wide range of resources for all students and employees to provide support and guidance in response to any incident of Prohibited Conduct. Comprehensive information on accessing university and community resources is contained online at the following sites:

- UCF Let's Be Clear
- Discrimination and harassment where the respondent is a university or DSO employee or volunteer, or third-party: Office of Nondiscrimination & Accommodations Compliance
- Related student code violations where the respondent is a student: Office of Nondiscrimination & Accommodations Compliance or Office of Student Rights and Responsibilities
- Office of Student Rights and Responsibilities
- Student Conduct and Academic Integrity
- Victim Services (confidential, 24/7)
- Student Care Services (students only)
- Counseling and Psychological Services (confidential, students only, 24/7)
- Ombuds Office (confidential)
- Employee Assistance Program (confidential, employees only, 24/7)
- UCF Abroad Emergency Hotline: +1-407-823-0595

Available resources include but are not limited to: emergency and ongoing assistance; health, mental health, and victim-advocacy services; options for reporting Prohibited Conduct to the university and/or law enforcement; and available support with academics, housing, and

employment. For more information about resources and supportive measures, please visit https://letsbeclear.ucf.edu/.

A. REMEDIAL, SUPPORTIVE AND PROTECTIVE MEASURES

The university offers a wide range of resources for students, and university and DSO employees and volunteers whether as complainants, witnesses, or respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The university will offer reasonable and appropriate measures to protect a complainant and respondent and facilitate the parties' continued access to university employment or education programs and activities. These measures may be both remedial (designed to address a party's safety and well-being and continued access to educational opportunities) or protective (designed to reduce the risk of harm to an individual or community). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, residence modifications, academic modifications and support, work schedule modifications, suspension from employment, and pre-disciplinary leave from employment (with or without pay). Remedial and protective measures are available regardless of whether a complainant pursues a complaint or investigation under the university's *Nondiscrimination Policy* (No. 2-004) or *Title IX Grievance Policy* (No. 2-012). Also, remedial measures may be taken before the university's determination of whether the Prohibited Conduct occurred, as well as when the respondent is not affiliated with the university.

The university will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the remedial and protective measures. The university has the discretion to impose and/or modify any remedial or protective measure based on all available information, and is available to meet with a complainant or respondent to address any concerns about the provision of remedial or protective measures.

The university will provide reasonable remedial and protective measures to third parties as appropriate and available, taking into account the role of the third-party and the nature of any contractual relationship with the university.

B. INTERIM ACTIONS

In addition to remedial and protective measures, an interim action may be imposed on a student or student organization in accordance with *The Golden Rule* prior to the resolution of an investigation. Also, an employee may be placed on paid or unpaid administrative leave prior to the resolution of an investigation. Such actions may be taken when, in the professional judgment of a university official, a threat of imminent harm to persons or property exists. Interim administrative action is not a sanction. It is taken in an effort to protect the safety and well-being of the complainant and/or respondent, of others, of the university, or of property. Interim administrative action is preliminary in nature; it is in effect only until there is a resolution of the student or employee conduct matter.

With regard to a student or student organization, university officials designated to impose an interim action through *The Golden Rule* include, but are not limited to, the vice president of Student Success and Well-Being (SSWB) or designee, and the director of the Office of Student Conduct and Academic Integrity or designee, upon notifying the vice president of SSWB. With regard to an employee, the appropriate university representative will impose an interim action.

PREVENTION, AWARENESS AND TRAINING PROGRAMS

The university is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive mandatory primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education and awareness programs. The university provides training, education and awareness programs to students, employees, registered student organizations, and DSOs to ensure a broad understanding of the university's *Nondiscrimination Policy* (No. 2-004), *Title IX Grievance Policy* (No. 2-012), and other related policies and regulations, as well as the topics and issues related to maintaining an education and employment environment free from harassment and discrimination. Accordingly, students and employees are expected to attend the ongoing training and awareness programs and review these policies so that they can contribute to the commitment of maintaining a safe and non-discriminatory learning, living and working environment for all members of the university.

Under the Violence Against Women Reauthorization Act, UCF is committed to providing comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

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

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

- identify domestic violence, dating violence, sexual assault, and stalking as prohibited conduct;
- define, using definitions provided both by the Department of Education as well as state law, what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- define what behavior and actions constitute consent to sexual activity in the State of Florida and the Rules of Conduct;
- provide a description of safe and positive options for bystander intervention.

UCF's primary prevention and awareness programming includes but is not limited to the required Let's Be Clear online module for all incoming graduate and undergraduate students as well as the required UCF Actions to Prevent and Correct Discrimination (UCFACT) online module for all incoming employees.

UCF also educates the community on bystander intervention, defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when

there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes:

- recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence;
- overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- information on risk reduction, which means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence; and,
- provides an overview of information contained in the Annual Security and Fire Safety Guide in compliance with the Clery Act.

Green Dot, an evidence-based bystander intervention program, is offered to all students, faculty and staff members in both online and in-person formats.

UCF's Office of Nondiscrimination & Accommodations Compliance, in conjunction with other university offices such as Victim Services, Student Care Services, and UCF Police, provides ongoing educational programs and events throughout the year on topics such as: risk and harm reduction (including recognizing boundaries, warning signs of abuse, alcohol and drug education, and proactive safety measures such as escort services and self-defense), consent education (including UCF's definition of consent and expectations for initiators of sexual contact to obtain affirmative consent), safe and positive options for bystander intervention (as described above), setting and abiding by boundaries, and healthy relationship skills. UCF offers a Violence Prevention Certificate Series which students and employees can complete which covers these topics. UCF regularly evaluates these efforts to ensure that they are achieving their intended outcomes and are responsive to community needs.

For a description of the university's Prohibited Conduct prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, see the university's annual security reports.

CONTACTS

Office of Nondiscrimination & Accommodations Compliance
12701 Scholarship Drive, Suite 101
Orlando, FL 32816-0030
Phone: 407-823-1336
Email: onac@ucf.edu
Websites: www.onac.ucf.edu and https://letsbeclear.ucf.edu.

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

Policy Number: 2-016

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

President or Designee: Alexander Cartwright Digitally signed by Alexander Cartwright Date: 2022.09.16 09:10:58 -06'00' Date: 9/16/2022