**NOTICE OF AMENDED REGULATION**

**August 26, 2025**

**BOARD OF GOVERNORS**

Division of Universities

University of North Florida

**REGULATION TITLE:**

Sexual Misconduct and Title IX Sexual Harassment Regulation

**REGULATION NO.:**

1.0050R

**SUMMARY:**

The proposed amendments to the regulation serve to clarify the responsibilities of Responsible and Confidential Employees, provides updated definitions of violations (including ‘deepfakes’), and updates the on-and off-campus resources. The revisions move additional information into appendices for easier access.

**MEETING DATE:**

September 25, 2025

**FULL TEXT:**

The full text of the regulation being proposed is attached.

**AUTHORITY:**

Florida Constitution, Article IX, Section 7(c)

Florida Statutes 1000.05

Florida Board of Governors Regulation 2.003

**UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:**

Tricia Buchholz, Director and Title IX Coordinator

**INDIVIDUAL TO BE CONTACTED REGARDING THE PROPOSED REVISED REGULATION:**

Stephanie Howell, Paralegal, Office of the General Counsel, [showell@unf.edu](mailto:showell@unf.edu), phone (904)620-2828; fax (904)620-1044; Building 1, Room 2100, 1 UNF Drive, Jacksonville, FL 32224.

***Any comments regarding the amendment of the regulation must be sent in writing to the contact person on or before September 8, 2025, to receive full consideration.***

** Regulation**

**Regulation Number**: 1.0050R

**Effective Date**: 10/27/06 **Revised Date**: pending

**Subject: Sexual Misconduct and Title IX Sexual Harassment Regulation**

**Responsible Division/Department**: Office of Title IX and Civil Rights

**Check what type of Regulation this is:**

New Regulation

Major Revision of Existing Regulation

Minor/Technical Revision of Existing Regulation

Reaffirmation of Existing Regulation

Repeal of Existing Regulation

# OBJECTIVE & PURPOSE

The University of North Florida (“University” or “UNF”) is committed to providing a work and learning environment free from unlawful harassment, discrimination, and retaliation. In addition to prohibiting discrimination, harassment, and retaliation as explained in the University’s Non-Discrimination and Equal Opportunity Regulation (1.0040R), UNF also specifically prohibits sexual misconduct and sexual harassment in compliance with Title IX of the Education Amendments of 1972 (“Title IX”) – including the crimes of dating violence, domestic violence, and stalking.

This Regulation provides guidance regarding conduct that constitutes sexual misconduct and sexual harassment. It also explains reporting responsibilities regarding such conduct, the University’s processes for investigating and resolving alleged violations, and rights and services available to those affected by such conduct and related investigations.

For purposes of this Regulation, "Sexual Misconduct" is an expansive term encompassing sexual harassment and sexual violence (including sexual assault, dating violence, domestic violence and stalking). Sexual Misconduct may constitute crimes (e.g., sexual battery, rape and related sex crimes), or may be noncriminal conduct (e.g., sexual harassment). Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. This Regulation is applicable regardless of the sex, sexual orientation and/or gender identity of individuals engaging in sexual activity.

It is the objective of the University that this Regulation be broadly applied to ensure the protection of all who interact in our University Community. Therefore, “University Community” is defined to refer to any person who is a student, ,University official, any person employed or contracted with the University, and any other individual interacting with the University.

Title IX requires that the University have a statement of policy and procedure for handling complaints of Sexual Misconduct. This Regulation constitutes that statement.

Title IX also prohibits other forms of sex- and gender-based discrimination. For example, Title IX prohibits, and the University will not tolerate, taking an adverse action against a member of the University community because of their sex. Such discrimination is addressed in a separate University regulation, the Non-Discrimination and Equal Opportunity Regulation, 1.0040R. The University’s process for prompt and equitable resolution of complaints alleging sex- discrimination may be found in that Regulation.

# STATEMENT OF REGULATION, AFFIRMATION, AND DISSEMINATION

Sexual Misconduct is contrary to UNF’s standards and may violate the law. This Regulation applies to all members of the University Community. It applies to actions regardless of where they occur, including those that take place in the University’s facilities, at a class, training program or event sponsored by the University at another location, any building owned or controlled by a student organization that is officially recognized by the University (such as a fraternity or sorority house), or elsewhere off campus. Any member of the University Community who violates this Regulation will be subject to disciplinary action and potentially criminal prosecution. To the extent a customer, vendor, or other person with whom UNF is affiliated engages in Sexual Misconduct, UNF will take appropriate corrective action.

The University has designated the Director of the Office of Title IX and Civil Rights (“OTCR”) as its Title IX Coordinator. The Title IX Coordinator is authorized to coordinate the University’s efforts to comply with Title IX and this Regulation.

This Regulation shall be disseminated to the University Community through the UNF website, new employee orientations, new student orientations, and other appropriate channels of communication. UNF will respond promptly to reported violations and will take prompt, effective action to prevent, to correct, and, if necessary, to discipline individuals and organizations who violate this Regulation.

# DEFINITIONS

## Definitions of Sexual Harassment

The federal Title IX regulations define sexual harassment in a limited way that does not cover all forms of sexual harassment that the University seeks to prohibit. This requires the University to maintain two separate definitions of sexual harassment: the broader definition of “Sexual Harassment” and more narrow definition of “Title IX Sexual Harassment.”

“Sexual Harassment” involving University employees as Respondents means unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, written, or electronic communications or physical conduct of a sexual nature that is objectively offensive and sufficiently severe, persistent, or pervasive as to substantially interfere with or alter the conditions of an employee’s employment. Sexual Harassment can also occur as quid pro quo harassment, such as when:

* Submission to such conduct or request is made either explicitly or implicitly a term or condition of a status in a course, program, or activity, or of academic achievement; or
* Submission to such conduct or request is made either explicitly or implicitly a term or condition of an individual's employment, salary increase, position advancement, or other employment-related benefits; orSubmission to or rejection of such conduct or request by an individual is used as the basis for an academic decision or employment decision affecting such individuals.

Sexual harassment can occur to any member of the University Community, on or off campus. It includes conduct that is prohibited under Title VII of the Civil Rights Act of 1964 and similar laws.

“Title IX Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, and pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity; or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30), and as defined in this Regulation.

In some situations, the same conduct may be both Sexual Harassment and Title IX Sexual Harassment.

## Other Definitions

In addition to the definition of “Sexual Misconduct,” “University Community,” “Sexual Harassment,” and “Title IX Sexual Harassment” above, this Regulation also utilizes the following definitions:

1. “Appeals Officer” means an employee of the University or an external Appeals Officer trained for receiving, reviewing, and responding to the appeals of the Decision-Maker’s written determination.
2. “Complainant” is an individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct, including Title IX Sexual Harassment.
3. “Campus Security Authority” or CSA, means an individual occupying a position designated by the University for the purpose of complying with the Clery Act. When a CSA is also a Responsible Employee, they must still fulfill their duties as described in this Regulation for a Responsible Employee and promptly report allegations of Sexual Misconduct by or against any student, employee, contractor or visitor to the University’s Title IX Coordinator. For more information about the duties of a CSA and a complete listing of positions designated as a CSA, please see the Campus Safety and Security Reporting policy, 1.0120P, which is available at the following link:

http://www.unf.edu/president/policies\_Regulations/01-General/1\_0120P.aspx.

1. “Complicity” means any action or behavior done with the intent of aiding, facilitating, promoting, or encouraging the commission of an act of Sexual Misconduct.
2. A “Confidential Employee” is an individual who learns of allegations of Sexual Misconduct while working in their counseling capacity, including individuals employed within the University’s Victim Advocacy Program, Student Health Services, the Counseling Center, other mental health professionals at the University, and the Ombuds. Confidential Employees are available to provide assistance and resources to victims without any obligation to make a report or file a Formal Complaint to University administrators. Confidential Employees continue to have duty to report Clery Act crimes to the University and to report child abuse or neglect to the Department of Children and Families, as required by law.
3. “Consent” to sexual activity must be knowing, intelligent, unambiguous, and voluntary. Consent is active, not passive. This means there must be clear and willing participation, through words or actions, for each sexual act.

* Consent to one type of sexual activity does not imply consent to other types of sexual activity. There must be consent at every stage of the sexual encounter.
* Past consent to sexual activity does not imply consent to future sexual activity.
* Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions. Any indication of unwillingness, including but not limited to the following, terminates consent.
* Any verbalization of “No,” “Stop,” “Don’t,” “I do not want,” “I am not sure,” “That hurts,” etc.
* Ceasing participation in sexual activity (e.g., freezing or not actively engaging), pulling away, removing someone’s touch from a specific area, blocking someone from touching a specific area etc.

For additional guidance on related concepts such as force, coercion, and incapacitation, see Appendix C: Consent-Related Concepts.

1. “Dating Violence” means 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; (iii) and the frequency of interaction between the persons involved in the relationship.
2. "Day” means a calendar day
3. "Decision-Maker” is the individual, or group of individuals, designated by the University to conduct a live hearing to make a determination of responsibility about whether the alleged Sexual Misconduct occurred. The Decision-Maker will not be the same person as the Title IX Coordinator or investigator.
4. “Domestic Violence” includes conduct that constitutes 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 the domestic or family violence laws of Florida or where the violence occurred, 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 or where the violence occurred. The University need not prove domestic violence under the standards of criminal law to find a violation of this Regulation, as this Regulation is not subject to criminal rules of procedure or proof.
5. “Education Program or Activity” includes all locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX prohibited conduct occurred, and any building owned or controlled by a student organization that is officially recognized by the university (such as a fraternity or sorority house).
6. “False Report” means making a materially false statement in bad faith in the course of proceedings under this Regulation. For example, a False Report includes providing materially false information during an investigation in bad faith, or misleading University officials in proceedings involving alleged violations of Sexual Misconduct through materially false information in bad faith. UNF takes the accuracy of information very seriously and a false report of Sexual Misconduct may have severe consequences. A good-faith complaint is not considered a False Report, even if the case is dismissed or the Respondent is not found responsible.
7. “Formal Complaint” is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating or attempting to participate in the University’s education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail using the contact information in this Regulation, or by using the online form found at [www.unf.edu/otcr/](http://www.unf.edu/otcr/).

As used in this definition, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through the University’s online form) that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

1. "Grievance Process” for purposes of this Regulation refers to all or a part of the process of reporting of Sexual Misconduct, filing of a Formal Complaint, investigating, holding a hearing, reaching a determination of responsibility, deciding any appeals, and imposing discipline and providing remedies (if any).
2. “Indecent Exposure” means to expose or exhibit one’s sexual organs in public or within the private premises of another, or so near thereto as to be seen from such private premises, in a vulgar or indecent manner, or to be naked in public except in a place provided for that purpose. It also includes the unwelcome transmission of sexual images of one’s own sexual organs or nakedness such as via sexting.
3. “Investigator” refers to a person(s) authorized by the Title IX and Civil Rights Director and Title IX Coordinator who may, among other things, investigate reported instances of Sexual Misconduct or Sexual Harassment.
4. “Obstruction of a Sexual Misconduct Proceeding” means improper actions to discourage or impair participation in a Sexual Misconduct grievance process, including but not limited to intimidating witnesses or other participants in the investigation process.
5. “Report” means a document reporting sexual misconduct to the applicable University administrator. The Report may be written by a Complainant, Responsible Employee, or other third-party. An oral report may be reduced to writing by an investigator or other appropriate University official. Reports may be submitted online at [www.unf.edu/otcr/](http://www.unf.edu/otcr/).
6. “Respondent” is an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct, including Title IX Sexual Harassment.
7. “Responsible Employee” means an individual who is required to report allegations of discrimination, retaliation, and/or harassment by or against any member of the University Community to the University’s Title IX Coordinator after it comes to their attention. All University Employees, including full or part-time positions and OPS employees, are Responsible Employees under this Regulation, except Confidential Employees.

Student employees are only Responsible Employees if they are employed in the following positions or areas:

* Graduate Teaching Assistants and Graduate Research Assistants;
* The Athletics Department; or
* UNF Housing and Residence Life.

This definition of “Responsible Employee” does not absolve anyone with knowledge or reason to suspect child abuse, abandonment, or neglect, of the responsibility to report relevant information to the Department of Children and Families in accordance with Florida Statute section 39.201, and Board of Governors Regulation 3.002.

1. "Sexual Contact" means the deliberate intentional touching, either directly or through the clothing, of a person's intimate parts including their genitalia, anus, groin, breast, inner thigh, or buttocks.
2. "Sexual Exploitation" means taking sexual advantage of another person without their consent, and includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; using force to cause a person to touch their own intimate parts or the intimate parts of others; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts or buttocks) of another person; allowing third parties to observe private sexual acts; ; soliciting a minor or creation, possession, transmission, or distribution of child pornography; knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV; and/or the creation or distribution of synthetic media—such as images, videos, or audio—that falsely depicts identifiable real people engaging in sexually explicit behavior or nude scenarios without their consent (commonly referred to as deepfakes).
3. “Sexual Assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. A “sex offense” is generally any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Without limiting that definition of sexual assault, the following are examples of sexual assault:

* “Fondling” means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
* “Incest” means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
* “Rape” means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
* “Sodomy” means oral or anal sexual intercourse with another person, forcibly, and/or against that person’s will (non-consensually) or not forcibly or against the person’s will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
* “Statutory Rape” means sexual intercourse with a person who is under the statutory age of consent in the state of Florida, which is 18.

Under this definition of Sexual Assault, which is mandated by federal Title IX regulations, it is possible that a similar act may be classified as one or more variants of sexual assault, or different variants, depending on the sex or gender of Complainant or Respondent. For example, under these definitions, oral sex without consent on a vagina would be “rape,” but oral sex without consent on a penis would be “sodomy.” The University will not discriminate on the basis of sex or gender in grievance processes or in disciplinary sanctions in such cases. The University will apply the same proceedings and same range of disciplinary sanctions regardless of sex or gender.

1. "Sexual intercourse" means penetration (anal, oral or vaginal) by a penis, tongue, finger, or by any other object.
2. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.
3. “Supportive Measures,” sometimes referred to as “protective measures,” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to Complainant or the Respondent before or after the filing of a Formal Complaint, or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter Sexual Misconduct. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.
4. “University Community” refers to any person who is a student; University employee; University official; any other person employed or contracted with the University; any other individual interacting with the University.
5. “Voyeurism” means to trespass, spy, eavesdrop, or otherwise invade the privacy of another for the purpose of personal sexual arousal.

# PROHIBITION AGAINST SEXUAL MISCONDUCT

## Application to All

All members of the University Community are required to comply with this Regulation, both on- and off-campus.

The University has the ability to directly discipline its students and employees, but it will also take appropriate action towards any other member of the University Community who violates this Regulation.

If the Respondent is either unidentified or not affiliated with the University, the Title IX Coordinator will support the Complainant by connecting them with relevant campus and community resources, implementing appropriate supportive measures, and, if requested, assisting with reporting potential criminal behavior to law enforcement.

When the Respondent is affiliated with another institution, the Title IX Coordinator can help the Complainant connect with the appropriate contact at that institution, where action may be possible under their policies.

In cases where a student or employee experiences discrimination in an external setting, such as an externship, study abroad program, or other off-campus environment, the Title IX Coordinator may be able to provide support and guidance.

## Violations

It shall be a violation of this Regulation to engage in any of the following conduct:

1. Complicity
2. Dating violence
3. Domestic violence
4. Failure to Report as mandated by this Regulation
5. Indecent Exposure
6. Making a False Report
7. Obstruction of a Sexual Misconduct Proceeding
8. Retaliation
9. Sexual assault
10. Sexual exploitation
11. Sexual Harassment and Title IX Sexual Harassment
12. Stalking
13. Unlawful possession of or administration of date rape drugs such as Rohypnol, GHB, Burundanga, Ketamine, or alcohol, in order to engage in other conduct that violates this Regulation
14. Voyeurism

## Protection for Freedom of Expression

The University environment is unique in that there must be the freedom to express ideas and to foster communication on subjects that enhance the University’s educational mission. Accordingly, while the University is committed to providing a learning environment that is free from Sexual Misconduct, the purpose of this Regulation is not intended to abridge academic freedom or to interfere with freedom of expression as guaranteed by the U.S and Florida Constitutions. As a result, Sexual Misconduct does not include:

* The expression of ideas in an academic context to provoke thought or discussion on topics germane to the course and advancement of the University’s educational mission.
* Engagement in debate or discourse over issues that society may find to be unpopular, offensive, or disagreeable.
* Discussing, using or displaying views, words, symbols or thoughts in an academic setting which are germane to the course and which some persons may find to be offensive.
* Other legally protected activities and statements.

Individuals must be mindful that although rights of freedom of expression and academic freedom are broad, they are not unlimited. The University will take action on conduct that goes beyond legal protections and violates this Sexual Misconduct Regulation.

# REPORTING AND ADDRESSING SEXUAL MISCONDUCT

The University’s first priority is the safety of the University Community. Any individual who believes they are being subjected to Sexual Misconduct should first get to a safe place. An individual who fears for their physical safety and/or feels threatened while on UNF’s campus should call the University Police Department from a safe location or by using any campus telephone by dialing 911 or using any “Code Blue” station. Off campus, an individual in fear or threatened should contact law enforcement by dialing 911.

Individuals who wish to address Sexual Misconduct should never hesitate to do so, and should contact the Title IX Coordinator, a Deputy Title IX Coordinator, Responsible Employee, the University Police Department, or other University resources as quickly as possible.

**Accessing Support Services**

All students and employees who believe they have experienced Sexual Misconduct are eligible to receive confidential support services, regardless of whether they choose to file a report. Students may access the Victim Advocacy Program, Counseling Center, Student Ombuds, Student Health Services, and other campus resources. Employees may seek support through the Victim Advocacy Program and the Employee Assistance Program.

These services can assist individuals in assessing their options—including whether to report the incident to the Title IX Coordinator or law enforcement—and may serve as a liaison to on- and off-campus resources. The decision to report is entirely up to the individual, and choosing not to report does not affect eligibility for support.

While the University encourages prompt reporting by an individual who feels that they have been subject to Sexual Misconduct, it is the individual’s option to, or not to, notify and seek assistance from law enforcement and individuals designated in this Regulation.

Individuals may simultaneously pursue a criminal process and formal University action. Individuals may be assisted by campus authorities in notifying law enforcement.

The University recognizes that certain environments, such as “Take Back the Night” events, focus groups, and sexual violence prevention activities, may elicit an individual’s personal account of sexual misconduct, and that such an account may be shared during one of these events with a University employee who is not otherwise a Confidential Employee (i.e., sexual violence prevention and sexual health promotion educators, or a faculty or staff whom in their primary University role is a Responsible Employee). Such a testimonial, without more, will not be considered notice to the University for purposes of triggering a mandatory report.

## Reporting Sexual Misconduct

If you believe that you have experienced, witnessed, or learned of Sexual Misconduct, notify the Title IX Coordinator as soon as possible after the incident. You do not have to tolerate unacceptable behavior, regardless of who is creating the situation. There is no specific time frame for individuals who have experienced Sexual Misconduct to make a report pursuant to this Regulation. Individuals are, however, encouraged to make a report soon after the incident in order to maximize UNF’s ability to investigate and resolve the matter, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the University. Note. Note that under the Student Code of Conduct, generally a student will not be charged with a violation of the Student Code of Conduct more than one year after the date the conduct occurred or was discovered, whichever is later.

Responsible Employees must report allegations of Sexual Misconduct to the Title IX Coordinator. Individuals designated as Campus Security Authorities must report allegations of Sexual Misconduct at <https://www.unf.edu/deanofstudents/report.html>. Additionally, anyone who interacts in our University Community and believes that they have experienced, learned of, or witnessed a violation of this Regulation is ***strongly encouraged*** to report the matter to the Title IX Coordinator.

Any person may report Sexual Misconduct (whether or not the person reporting is the alleged victim of Sexual Misconduct) in person, by mail, by telephone, by email using the contact information for the Title IX Coordinator as listed in this policy, or the web portal found in the definition of Report. Such a report may be made at any time (including during non-business hours) by using the contact information below:

**Title IX Coordinator**

J.J. Daniel Hall, Building 1, Suite 1201

(904) 620-2507

<https://www.unf.edu/otcr/>

[otcr@unf.edu](mailto:otcr@unf.edu)

Individuals may make an anonymous report concerning an instance of Sexual Misconduct by completing a form found at the following website: https://www.unf.edu/internal-auditing/unf-ethics-hotline.html#:~:text=Ethics%20Hotline%20for%20fraud%2C%20compliance,(904)%20620%2D2602 or using UPD’s “Silent Witness” procedure. **Anonymous reporting is not permitted for Responsible Employees who are relaying another individual’s potential incident of Sexual Misconduct that has come to their attention.**

When a student or employee reports to the University that the student or employee has been a victim of Sexual Misconduct or Sexual Harassment, whether the offense occurred on or off-campus, the University will provide the student or employee an explanation of the student’s or employee’s rights and options.

If you are not sure whether an incident of Sexual Misconduct has occurred, you may contact the Title IX Coordinator for assistance in determining the nature of the incident and whether it should be reported pursuant to this Regulation.

Individuals who wish to report Sexual Misconduct to law enforcement should contact the agency with jurisdiction over the location where the incident occurred. The following law enforcement agencies may be contacted directly:

**University Police Department**

Martin P. Garris Police Building, Building 41

911 or (904) 620-2800

https://www.unf.edu/upd/

**Jacksonville Sheriff’s Office**

501 E. Bay Street

Jacksonville, FL 911 or (904) 630-0500

<https://www.jaxsheriff.org/>

Individuals may request assistance from University officials in contacting law enforcement. Reporting to law enforcement is optional and may be pursued independently or in conjunction with a University investigation.

## Advisors and Additional Resources

At any point during the processes described in this Regulation, the Complainant and Respondent may use an advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding, except that the advisor may not serve in any other role in the process, including as a witness, an investigator, Title IX Coordinator, Decision-Maker, hearing officer, or appeal authority because of the inherent conflict of interest such an arrangement would create. Any advisor serves at the requestor’s own expense and initiative, except that if a party does not have an advisor at a live hearing, the University will provide one without fee or charge to the party for purposes of conducting cross-examination and questioning of a party or witness.

All advisors must follow appropriate rules of decorum. Until the hearing at which the Decision-Maker will determine responsibility, the advisor may be present at all meetings to advise the individual but cannot speak for the individual, present the case, serve as a witness, or otherwise participate directly in any meeting. At the live hearing with the Decision-Maker to determine responsibility, the advisor may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses, but may not testify.

A contractor or guest who alleges they have been subjected to Sexual Misconduct in violation of this Regulation will generally be referred to off-campus resources. In addition, the University may provide the contractor or guest any services that are deemed reasonable to promptly address the allegations of Sexual Misconduct.

Respondents have the same right to utilize campus services available to those who indicate they are victims of Sexual Misconduct. In the event the Respondent is a contractor or guest, they will be referred to appropriate off-campus resources if they desire assistance.

## Supportive Measures in Response to Reports of Sexual Misconduct

The University will promptly respond to every report of Sexual Misconduct through its Title IX Coordinator or designee. It is not necessary to file a Formal Complaint to receive Supportive Measures.

In each case of reported Sexual Misconduct, the Title IX Coordinator will promptly and confidentially contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain the process for filing a Formal Complaint. Where appropriate, the Title IX Coordinator will also offer Supportive Measures to Respondents. The Title IX Coordinator will also provide written notification of available resources, including counseling, mental health services, victim advocacy, legal assistance, visa and immigration support, student financial aid, and other services offered both within the institution and in the community. Individuals seeking Supportive Measures are encouraged to contact the Title IX Coordinator, who is responsible for coordinating and ensuring the effective implementation of such measures.

Supportive measures are individualized based on the information gathered. They are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party. They are available if requested and if they are reasonably available, regardless of whether the Complainant chooses to report to campus police or local law enforcement. They are designed to ensure equal educational access, protect safety, and deter sexual harassment. For students, the University attempts to avoid depriving any student of her or his education. For employees, the University attempts to provide a positive working environment. The measures needed by the parties may change over time to ensure that the Supportive Measures remain necessary and effective based on each individual’s evolving needs. Ongoing coordination with the Title IX Coordinator as needs evolve is strongly encouraged.

The University will also maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.

## Filing a Formal Complaint

If a Complainant would like the University to take further action beyond providing Supportive Measures, the Complainant may file a Formal Complaint. The Formal Complaint must contain all of the necessary elements found in the definition of Formal Complaint in the Other Definitions section of this Regulation.

In some circumstances, the Title IX Coordinator may also file a Formal Complaint. The Title IX Coordinator must file a Formal Complaint when, based on the known circumstances, failing to do so would be unreasonable.

The University may consolidate Formal Complaints as to allegations of Sexual Misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

# EMERGENCY REMOVALS AND ADMINISTRATIVE LEAVE

This Regulation generally requires a hearing prior to taking any action that unreasonably burdens a Respondent. However, the University may remove a Respondent from some or all of the University’s programs and activities on an emergency basis if it determines there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct. Prior to making an emergency removal, the University will conduct an individualized safety and risk analysis.

If a Respondent is removed pursuant to this section, the University will provide the Respondent with written notice and an opportunity to challenge the decision immediately following the removal. To challenge the removal, within three (3) days of receiving notice of the emergency removal, the Respondent must inform the Title IX Coordinator, in writing, of the basis of their challenge to the removal. The Title IX Coordinator will provide a copy of the challenge to the Complainant.

The University will then appoint a Decision-Maker to hold a hearing without delay, as soon as possible given the circumstances, but no later than five (5) days after the Title IX Coordinator’s receipt of the challenge. The Decision-Maker will provide written notice to the parties of the date and time of the hearing, provide both the Complainant and Respondent with the opportunity to be heard at the hearing, and issue its written decision no later than two (2) days after the hearing.

If a Respondent is removed pursuant to this emergency removal procedure, they retain all rights to an investigation and hearing as set forth in this Regulation prior to any ultimate finding of responsibility and sanctions.

Nothing in this section precludes the University from placing a non-student employee Respondent on administrative leave during the pendency of the grievance process.

# MANDATORY AND PERMISSIVE DISMISSALS

If the Complainant decides to file a Formal Complaint, the University will analyze whether it is to be dismissed. This analysis occurs prior to the investigation and at any point in the investigation or grievance process when the grounds for dismissal appear. In all cases, if the Formal Complaint is dismissed, the Title IX Coordinator will promptly and simultaneously provide the Complainant and Respondent written notice of the dismissal, the reasons for the dismissal, and an opportunity to appeal.

## Title IX Sexual Harassment

If the Complainant decides to file a Formal Complaint, for cases involving Title IX Sexual Harassment, the federal regulations state that the University must dismiss a Title IX Sexual Harassment Formal Complaint to the extent the conduct alleged in the Formal Complaint:

1. Would not constitute Title IX Sexual Harassment even if proved;

2. Did not occur in the University’s education program or activity; or

3. Did not occur against a person in the United States.

Even though a Formal Complaint must be dismissed for Title IX purposes in these circumstances, the University may continue to review the allegations as set forth in this Regulation as another form of Sexual Misconduct or other violation of the University’s regulations, rules, and policies.

In addition to those grounds for mandatory dismissal, the University may dismiss a Formal Complaint alleging Title IX Sexual Harassment, or any allegations therein, in the following circumstances:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

2. The Respondent is no longer enrolled or employed by the University; or

3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

In determining whether to dismiss in these circumstances, the Title IX Coordinator will evaluate whether a dismissal would be clearly unreasonable in light of the known circumstances.

## All Other Forms of Sexual Misconduct

For Sexual Misconduct outside of Title IX’s jurisdiction, the University may dismiss a Formal Complaint in the following circumstances:

1. The conduct would not constitute Sexual Misconduct even if proved;

2. Upon completion of the investigation, the Title IX Coordinator concludes that there is not reasonable cause to believe that a violation of this Regulation occurred. Reasonable cause is a lower standard than preponderance of the evidence;

3. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

4. The Respondent is no longer enrolled or employed by the University; or

5. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If dismissed, the University may continue to review the allegations as a violation of other University regulations, rules, and policies. For example, the Title IX Coordinator may determine that the alleged conduct does not constitute Sexual Misconduct, but may include allegations that, if proven, would violate the Student Code of Conduct. The Title IX Coordinator has the authority to refer matters to other divisions of the University when appropriate.

# INVESTIGATION OF FORMAL COMPLAINTS

## Criminal Investigations

To initiate a criminal investigation, reports of Sexual Misconduct should be made to “911,” the University Police Department, or local law enforcement. The criminal process is separate from UNF’s investigation and disciplinary process. The University has an obligation to promptly respond to allegations of Sexual Misconduct and investigate all Formal Complaints while the criminal process is pending. Therefore, the University in its sole discretion may proceed with an investigation under this Regulation before, during, or after any law enforcement investigation or criminal proceedings.

## Triggering a University Investigation

The University’s investigation is triggered by the filing of a Formal Complaint, whether by the Complainant or Title IX Coordinator. In order to facilitate the investigation, a Formal Complaint should include as many details of the incident as possible. For example, providing names of the individuals involved and names of any witnesses can help expedite the investigation.

The University will provide a prompt, fair, and impartial process from the initial investigation to the final result in cases of Sexual Misconduct involving both students and employees.

## Timeline for an Investigation and Responsibility Determination

It is the University’s intention to complete a Title IX investigation and reach a determination of responsibility within 120 days, although the school’s good-faith efforts to conduct a fair, impartial investigation in a timely manner may require a different timeline depending on the circumstances.

Any deadline set forth in this Regulation or imposed during the grievance process may be temporarily modified or given a limited extension of time for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the modification. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The University may act on its own in modifying deadlines or the parties may request an extension in writing by contacting the Title IX Coordinator.

## Appointment of an Investigator

The University’s Title IX Coordinator’s primary responsibility is to coordinate the University’s compliance with Title IX, including the procedure for investigating Formal Complaints of Sexual Misconduct. The Title IX Coordinator may investigate Formal Complaints or may designate one or more properly trained individuals to investigate, including University or third-party investigators.

The University prohibits the Title IX Coordinator, investigators, Decision-Makers, and any person facilitating an informal resolution process from having a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. In the event of a conflict or bias, the University will appoint an alternate individual so that the process is free of conflicts of interest and bias.

## Concurrent Proceedings

If the Respondent is a student and portions of a complaint include allegations that violate the Student Code of Conduct but are not alleged violations of the Sexual Misconduct Regulation or the Non-Discrimination, Equal Opportunity, and Inclusion Regulation, then those allegations may be investigated and/or addressed separately by Student Conduct before, during, or after the investigation coordinated by the Title IX Coordinator.

Similarly, if the Respondent is an employee and portions of a report or complaint include allegations that violate the University’s personnel policies but are not alleged violations of the Sexual Misconduct Regulation or the Non-Discrimination, Equal Opportunity, and Inclusion Regulation, then those allegations may be investigated and/or addressed separately by Human Resources before, during, or after the investigation coordinated by the Title IX Coordinator.

## Written Notices During an Investigation

The University will provide written notice of an investigation to the Complainant and Respondent. This notice will include sufficient details on the identities of the parties involved, the specific alleged violation, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident, to the extent known. It will also contain notice of the procedures set forth in this Regulation, a statement that the Respondent is presumed not responsible for the alleged conduct, and a statement that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence collected during the investigation at an appropriate time. The written notice will also inform the parties that this Regulation prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the original written notice, the University will provide notice of the additional allegations to the parties.

In all cases, the written notice will be provided to the Respondent at least fifteen (15) days prior to the live hearing, except in cases of emergency or unless waived by the Respondent.

## The University’s Burdens During Investigation

The burden of gathering evidence and burden of proof is on the University. For example, in a case where consent is a key issue, this means that the University will not shift the burden of proof to a Respondent to prove consent and will not shift that burden to a Complainant to prove absence of consent.

## The Collection of Evidence

The parties will have an equal opportunity to present facts and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The University will provide to a party 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 sufficient time for the party to prepare to participate.

## Exclusion of Certain Forms of Evidence

The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a grievance process.

In addition, during the investigation or any other stage of the processes described in this Regulation, the University will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

If a party chooses to provide evidence that would otherwise be excluded under this subsection, it will be considered directly related evidence subject to the parties’ inspection.

## Review of Collected Evidence & Investigative Report

The Title IX Coordinator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the University must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy and the parties will be given at least 10 days to submit a written response. The investigator will consider any written responses prior to completion of the investigative report.

The University will also make all directly related evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

The Title IX Coordinator will send the parties and their advisors an investigative report that fairly summarizes relevant evidence, with at least 10 days for the parties to respond, prior to a hearing or determination of responsibility.

## Complainant’s and Respondent’s Rights

* To be treated with respect and dignity
* To be informed of available options for resolution
* To be referred to campus resources and support services
* To be afforded certain procedural standards
* To be accompanied to all meetings by an advisor of their choice
* To receive written notice of the investigation
* To submit a Formal Complaint, supporting documents, and other relevant evidence
* To propose witnesses to the investigator
* To receive a prompt, thorough, and impartial investigation of their Formal Complaint
* To inspect, review, and respond to all directly related evidence collected
* To inspect, review, and respond to the final investigatory report
* To be kept informed of the status of the case throughout the process
* To receive written notification on the final outcome of the grievance procees
* To receive written notification of any appeals, the outcomes of those appeals, and any changes to the final determination

# INFORMAL RESOLUTION

If a Formal Complaint has been filed, the University has the discretion at any time prior to reaching a determination regarding responsibility to choose to offer and facilitate informal resolution options so long as the parties give voluntary, informed written consent to attempt informal resolution. Informal resolution is not available when a Complainant is a student alleging that a University employee has engaged in Sexual Misconduct.

In offering an informal resolution process, the University will provide the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which, upon reaching an agreed resolution, it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint. The University will also explain any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The Informal Resolution process must be completed within fifteen (15) days of the parties agreeing to pursue such a process. If not completed by that deadline, in the absence of any approved extensions, the Formal Complaint will continue to be investigated and processed for a live hearing as described in this Regulation

# HEARINGS

## The Hearing Process

Formal Complaints that have not been dismissed or informally resolved will result a live hearing. The Decision-Maker or a hearing officer will explain each participant’s rights and options and assure that fairness and procedural due process are observed throughout the hearing. For example, witnesses may only be present during the time they are being questioned. Note that the hearing process is not the same as a criminal or civil proceeding. Procedures governing Florida’s criminal or civil courts, including formal rules of evidence, are not applicable.

At the live hearing, the Decision-Maker(s) will permit each party’s advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party’s advisor rather than by a party personally. At the request of either party, the University will provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties and Decision-Maker to see and hear the party or witness answering questions.

Only relevant cross-examination and other questions may be asked of a party or witness. To ensure this, before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the University will provide one, without fee or charge.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Decision-Maker(s) will not draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the University’s discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. The University will create an audio or audiovisual recording, or transcript, of any live hearing.

Live hearings will be closed to the public.

## The Written Determination Regarding Responsibility

The Decision-Maker will apply the “preponderance of the evidence” standard to determine whether it is more likely than not that the alleged conduct occurred. The Respondent is presumed not responsible unless the preponderance of the evidence shows otherwise. Proceedings are conducted to consider the totality of all evidence available, from all relevant sources.

The written determination must include the following:

1. Identification of the allegations potentially constituting Sexual Misconduct;

2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

3. Findings of fact supporting the determination;

4. Conclusions regarding the application of the University’s rules and regulations to the facts;

5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and 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 (without disclosing the nature of those remedies except to the extent a remedy also imposes requirements on the Respondent); and

6. The University’s procedures and permissible bases for the Complainant and Respondent to appeal.

The University will provide the written determination to the parties simultaneously within 14 days from the conclusion of the hearing. The Decision-Maker will also provide a copy of the written determination to the Title IX Coordinator.

# DISCIPLINARY SANCTIONS

In reaching a determination regarding sanctions, consideration will be given to any aggravating and mitigating circumstances. The sanctions described below are a description of the range of sanctions available, and not an exhaustive list of all sanctions that may be imposed.

Students who are found to have violated this Regulation will be subject to disciplinary action as set forth in the Student Code of Conduct Regulation 5.0010R. Any sanctions will be proportionate to the severity of the violation and the student’s cumulative conduct history. The range of sanctions include the following: reprimand, restorative service, reflective learning, educational programming, monitoring events, counseling assessment and compliance, restitution, disciplinary probation, restrictions, exclusion from university housing, suspension, loss of university recognition, expulsion, withholding of records, and/or transcript notations.

Faculty and staff who are found to have violated this Regulation will be subject to disciplinary action pursuant to applicable collective bargaining agreements or UNF’s Personnel Program. The range of sanctions include the following: letters of reprimand, training, performance improvement plans, reassignment, demotion, suspension with or without pay, and termination. Third parties (including contractors and guests) who are found to have violated this Regulation may be barred from the campus and/or conducting business with UNF. Disciplinary actions against students, employees and third parties will be determined on a case-by-case basis.

# REMEDIES

In some cases, the Decision-Maker may find that remedies are needed for a Complainant when a Respondent is found responsible for violating this Regulation. Remedies are designed to restore or preserve the Complainant’s equal access to the University’s education program or activities. As an example of the range of remedies available, remedies may include similar individualized services as defined in Supportive Measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. Remedies do not include damages or other financial awards, or other relief that would impose an undue hardship on the University.

The Title IX Coordinator is responsible for the effective implementation of any remedies. When a Decision-Maker’s determination indicates that remedies will be offered to the Complainant, the Complainant should contact the Title IX Coordinator to arrange for appropriate remedies.

# APPEALS

Both parties will be provided with the opportunity to appeal a determination or dismissal based on the following grounds only:

1. Procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

3. The Title IX Coordinator, investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or

4. The sanctions are extraordinarily disproportionate to the violation committed.

An appeal must be submitted in writing to the Title IX Coordinator within five (5) days following receipt of the Decision-Maker’s written determination and identify the grounds and arguments for challenging the outcome. If the appeal is based on newly discovered evidence, the evidence must be submitted with the written appeal.

Upon receipt of an appeal, the Title IX Coordinator will notify the other party in writing when an appeal is filed and provide them with five (5) days to submit a written statement in support of or challenging the outcome.

The University will appoint an Appeals Officer for the appeal, who will not be the same person as the Decision-Maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. The Appeals Officer will have been properly trained prior to handling the appeal.

After both parties have had an opportunity to present their arguments challenging or supporting the outcome, the Appeals Officer will issue a written decision describing the result of the appeal, any changes to the result of the disciplinary proceeding, and the rationale for the result. This appellate decision will be provided simultaneously to both parties and will notify the parties that the written decision concludes the University’s Appeal Process. The Appeals Officer will also provide a copy of the appellate determination to the Title IX Coordinator.

Final appellate decisions resulting in a suspension or expulsion of a student must include notice to the student of the student’s right to appeal to an external judicial forum.

# PRIVACY AND CONFIDENTIALITY

The University will keep confidential the identity of any individual who has made a report or complaint of Sexual Misconduct, including any individual who has made a report or filed a Formal Complaint, any Complainant, any individual who has been reported to be the perpetrator of Sexual Misconduct, any Respondent, and any witness, except as may be permitted by the FERPA, or as required by law, or to carry out the purposes of this Regulation, including the conduct of any investigation, hearing, or appeal.

The University will also maintain as confidential any Supportive Measures provided to the Complainant or Respondent in cases of sexual misconduct, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.

What this means is that the University is committed to protecting the privacy of all individuals involved in a report of Sexual Misconduct. However, as described in this section, it cannot guarantee complete confidentiality and anonymity in all circumstances.

If an individual desires confidentiality, meaning that no information will be shared, then that individual must either contact a Confidential Employee or their off-campus equivalent, who will maintain the confidentiality to the extent permitted by law. **Please remember that if an individual informs a Responsible Employee of Sexual Misconduct, that Responsible Employee must report the allegation to the Title IX Coordinator pursuant to this Regulation and cannot promise confidentiality.**

The University will keep reports and investigations under this Regulation private to the extent possible under the law, meaning it will only disclose information to individuals with a legitimate need to know in order to review, investigate, and resolve reports of Sexual Misconduct, or as permitted or required by law.

The University may release information about Sexual Misconduct in certain circumstances without permission in order to warn and protect the University Community. For example, under the Clery Act, the University must issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to other members of the campus community. UNF will make every effort to ensure that a Complainant’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. UNF reserves the right to notify parents/guardians of dependent students regarding any health or safety risk or a change in student status.

An individual reporting of Sexual Misconduct has the right to not proceed with filing a Formal Complaint; however, the Title IX Coordinator may have an obligation to file their own Formal Complaint, investigate, and take remedial action even if the individual no longer participates. This would be true, for example, if the reported Sexual Misconduct indicated that there was a reasonably anticipated risk that the reported individual would commit additional acts of Sexual Misconduct or other violence; whether the Sexual Misconduct was reportedly engaged in by multiple individuals; whether a weapon was involved; and whether there is an indication of a pattern of misconduct. A lack of participation may, however, limit the University’s ability to investigate and resolve concerns.

As explained in this Regulation, if a Formal Complaint is filed, the University has an obligation to identify the parties and the substance of the Complaint to comply with due process and the federal Title IX regulations.

# AMOROUS AND SEXUAL RELATIONSHIPS

It is not uncommon for University Community members who study, work or interact together to develop caring relationships. However, when persons in positions of unequal power engage in amorous or sexual relationships (e.g., between a supervisor and an employee, faculty member and student, or staff member and student), the person of greater power places themselves at risk of being accused of sexual harassment, either during the relationship or after the relationship ends. Accordingly, the University has adopted a policy prohibiting amorous or sexual relationships where one individual in the relationship is in a position to exercise authority such that it could impact the educational or work performance of the other individual. Please refer to the Amorous or Sexual Relationships Policy (1.0070P).

# RETALIATION

The University will not, nor will it permit any other person or organization to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Regulation, or 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 Regulation.

In some situations, disciplinary proceedings will be necessary for conduct arising out of the same facts or circumstances as a report or complaint of Sexual Misconduct. However, the University will not intimidate, threaten, coerce, or discriminate for the purpose of interfering with any right or privilege secured by Title IX or this Regulation in pursuing such proceedings. For example, the University will not institute a student code of conduct charge against a Respondent for refusing to testify or threaten that it will bring a conduct charge against a witness to coerce them to participate in a hearing.

Individuals who believe they have been retaliated against should promptly notify the Title IX Coordinator or Human Resources Department. If the individual against whom the allegation is made is the Title IX Coordinator or within the Human Resources Department, contact the Chief Compliance Office (compliance@unf.edu).

Complaints alleging retaliation will be addressed according to the grievance process for sex discrimination described in the Non-Discrimination, Equal Opportunity, and Inclusion Regulation (1.0040R).

Those found to have violated this prohibition against retaliation will be subject to disciplinary action up to and including suspension or expulsion for students and termination for employees.

Authority: Board of Governors Regulations 1.001, Board of Governors Regulation 6.0105. Approved by the BOT as amended 10/14/21.

**APPENDIX A: TRAINING, EDUCATION, AND PREVENTION PROGRAMS**

The University strives to provide Sexual Misconduct reduction programs, activities, services, and educational opportunities to all who interact with the University Community. Specific Sexual Misconduct and Title IX training, education, and awareness programming is provided to new faculty members and employees during orientation, during admissions for students, and annually thereafter for all. This training includes information regarding conduct and behaviors that constitute Sexual Misconduct, how to report allegations of Sexual Misconduct, and what services are available at the University and in the community to assist individuals who believe they have been subjected to Sexual Misconduct.

The University provides education on safe and positive options for bystander intervention. Bystander Intervention is where someone who isn’t directly involved safely steps in to assist another who may need support or who may be in a harmful situation. Stepping up may give the person you are concerned about the opportunity to get to a safe place or leave the situation. Everyone can be an active bystander. Knowing the warning signs and how to intervene is an essential part of Bystander Intervention.

**5 D’s of Bystander Intervention**

**Distract** - Distraction is a strategy of intervening that is both direct and non – confrontational. There are many ways to disrupt a situation. You can start a conversation with the person, spill a drink, or compliment their attire. Your goal is to draw attention away and prevent the problem from escalating.

**Delegate** - If you do not feel comfortable directly approaching the situation, look for a third party to assist you. There is much power in numbers. Delegating looks different for each case, but you may be interested in calling a resource such as 911, a Victim Advocate, a Resident Assistant, the Counseling Center, or a friend. These resources can assist you with intervening.

**Document** - If it is safe to do so and/or someone is already helping the target, write notes or take a video. Keep a safe distance and make sure to take of the day and time, as well as the location. Always ask the person who was harassed what *they* want to do with your recording and/or notes. Never post it online or use it without their permission.

**Delay** - After the incident, ask the person if they are okay and offer your support. Your support could look like sharing resources or helping with making a report, or even just sitting with them for a while.

**Direct** - The Direct approach uses words or actions to non-confrontationally assist the person. Direct Intervention is used when you feel safe and capable of intervening directly. Always assess the situation before you decide to respond. If you do decide to interact, keep it short and succinct to prevent further escalation.

In addition, the University encourages safety among all the members of the University Community.

The following are some strategies to reduce one’s risk of Sexual Misconduct:

* If you are uncomfortable with someone's behavior or feel threatened, remove yourself from the situation and, if possible, notify an authority about the situation;
* Don't allow yourself or others to be isolated with someone you don't trust or someone you don't know;
* When you go to a social gathering, go with a group of friends and watch out for each other;
* Be aware of your surroundings, avoid isolated areas, and trust your instincts;
* Make sure your cell phone is with you and charged; and
* Don't leave your drink unattended and don't accept drinks from people you don't know or trust.

In addition, bystanders play a critical role in the prevention of sexual assaults and sexual misconduct. Bystanders may not be directly involved, but can intervene, speak up, and call for help. You can make a difference.

The University ensures that its Title IX Coordinator, Deputy Title IX Coordinators, investigators, Decision-Makers, and those facilitating informal resolution are properly trained. This includes training on what constitutes Sexual Misconduct (including the definition of Title IX Sexual Harassment as defined by the U.S. Department of Education), the scope of the University’s education programs and activities, how this Regulation operates, how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially including by avoiding pre-judgment of the facts at issue, conflicts of interest, and bias. Decision-Makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators also receive training on issues of relevance so that they may create an investigative report that fairly summarizes relevant evidence. These individuals also receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

**APPENDIX B: EXAMPLES OF SEXUAL HARASSMENT**

The following are examples of unwelcome conduct that, when sex-based, may rise to the level of Sexual Harassment and/or Title IX Sexual Harassment.

* Inappropriate touching or brushing against the body of another including, but not limited to patting, fondling, massaging, caressing, pinching, attempted or actual kissing.

* Requesting sex or sexual acts in exchange for an occupational or educational benefit.
* Unwelcome repetitive propositions, invitations, or pressure for sexual activity by a party.
* Suggestive or inappropriate sex-based communications, notes, letters, e-mail, text messages, contact through social media (i.e. Facebook, Instagram, X, etc.), or other written materials.
* Displaying, transmitting, or sending sexually based suggestive or inappropriate photographs, videos, computer images, slides, calendars, cartoons, or drawings through any medium.
* Sexual innuendo, comments, or remarks about a person's clothing, body, or activities which places an individual in fear of imminent physical or psychological harm or injury.
* Actual or implied sexual threats or intimidation which places an individual in fear of imminent physical or psychological harm or injury.

**APPENDIX C: CONSENT-RELATED CONCEPTS**

**Legal Capacity to Consent**

Individuals who are not of legal age, are incapacitated, or are forced cannot give consent to sex, regardless of what they say or do.

* In Florida, consent generally cannot be legally given by a minor under the age of 18, with certain specified statutory exceptions.
* If there is any question regarding whether a person may be incapacitated or able to give consent, do not engage in any type of sexual activity with that person.

**Force**

Consent cannot be obtained by force. Force includes the use of:

* **Coercion**: Using an unreasonable amount of pressure, including alcohol or drugs, to have sexual contact or sexual intercourse. Coercion is more than an effort to persuade, entice, or attract another person. When a person makes clear a decision not to participate, a decision to stop, or a decision not to go beyond a certain point, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider:
  + The frequency of the application of the pressure
  + The intensity of the pressure
  + The degree of isolation of the person being pressured
  + The duration of the pressure
* **Intimidation**: An implied threat that menaces or causes reasonable fear in another person. A person’s size alone does not constitute intimidation; however, it may be a contributing factor (e.g., blocking access to an exit).
* **Physical Violence**: Use of physical violence and/or imposing on someone physically to control and engage in sexual contact or sexual intercourse. Includes but is not limited to hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
* **Threats**: Words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person’s reputation, or to cause a person academic or economic harm.

**Incapacitation**

“Incapacitation” means a state where a person cannot make knowing, intelligent, unambiguous, and voluntary decisions and therefore cannot give consent (e.g., cannot understand the who, what, when, where, why, or how of the sexual interaction).

A person may be incapacitated due to:

* Voluntary or involuntary use of drugs (legal, illegal, or prescription) or alcohol
* Illness
* Mental impairment or disability
* Sleep or unconsciousness

Incapacitation is a state beyond drunkenness or intoxication. The impact of drug and alcohol use varies from person to person. Whether an individual was incapacitated will be assessed by the totality of the evidence. Relevant factors include but are not limited to:

* Stumbling or loss of equilibrium
* Slurred speech or word confusion
* Combativeness or emotional volatility
* Vomiting
* Incontinence
* Disorientation or confusion as to time, place, etc.
* Loss of consciousness

In matters of accountability, the University will consider whether a Respondent knew or should have known that the Complainant was incapacitated. The use of drugs or alcohol by the person initiating the sexual activity is not an excuse for failing to obtain consent.

**APPENDIX D: HOW TO REQUEST UNIVERSITY NO CONTACT ORDERS AND RESTRAINING ORDER**

Victims of dating violence, domestic violence, sexual assault, and stalking may also have the option to obtain no contact orders, restraining orders or similar lawful orders with the criminal court system, civil court system or through UNF. University victim Advocates will help a victim who is seeking any form of protective order. Additionally, victims may contact the Women’s Center of Jacksonville or the local domestic violence centers for guidance.

## When going to the Courthouse to file any form of protective order, you should bring the following items:

## Identification

## Information concerning location/address of the alleged abuser.

## Other information, such as pictures, of the alleged abuser.

## Any documents relating to your complaint/case, such as police reports.

The Duval County Courthouse is located at 501 W. Adams Street. A request for a protective order is submitted at the Clerk of the Court’s Office, located in courthouse room 2409, (904) 255-2000.

Individuals seeking no contact orders through the University conduct system should contact the Dean of Students, Founders Hall, Building 2, Suite 1400, (904) 620-1491.The University has an obligation to, and will, enforce all University-issued no contact orders.

**APPENDIX E: ON- AND OFF-CAMPUS CONTACTS TO GET HELP**

**Emergency Situations**

**If in fear for physical safety, facing threats, or assault is involved contact:**

**University Police Department**

Martin P. Garris Police Building, Building 41

911 or (904) 620-2800

<https://www.unf.edu/upd/>

**UNF’s Victim Advocacy Program**

Founders Hall, Building 2, Suite 1400

(904) 620-2945

(904) 620-1010: 24 hours a day

<https://www.unf.edu/deanofstudents/victim-advocacy/>

**Jacksonville Sheriff’s Office**

501 E. Bay Street

Jacksonville, FL 911 or (904) 630-0500

<https://www.jaxsheriff.org/>

## University’s Title IX Coordinator

## Office of Title IX and Civil Rights, J.J. Daniel Hall, Building 1, Suite 1201

1 UNF Drive, Jacksonville, FL.

(904) 620-2507

<https://www.unf.edu/otcr/>

[otcr@unf.edu](mailto:otcr@unf.edu)

**Additional On-Campus Contacts**

In addition to contacting OTCR, any of the following offices at the University may be contacted for information or assistance regarding matters involving Sexual Misconduct:

**Office of Academic Affairs**

J.J. Daniel Hall, Building 1, Suite 2500

(904) 620-2700

<https://www.unf.edu/asa/index.html>

**Office of Human Resources**

J.J. Daniel Hall, Building 1

Room 1102

(904) 620-2903

<https://www.unf.edu/hr/>

**Office of Student Conduct**

Founders Hall, Building 2, Suite 1400

(904) 620-1491

<https://www.unf.edu/conduct/>

**Office of the Student Ombuds and Dean of Students**

Founders Hall, Building 2, Suite 1400

(904) 620-1491

https://www.unf.edu/ombuds/

https://www.unf.edu/deanofstudents/

**Off-Campus Resources**

In addition to the University’s on-campus resources, any of the following off-campus/community resources may be contacted for information or assistance regarding Sexual Misconduct:

**Hubbard House**

(904) 354-3114

Provides 24-hour services to domestic and dating violence victims and survivors. Services include emergency shelter, counseling, support groups, court advocacy, and information and referral. All services are free and confidential.

<https://www.hubbardhouse.org/>

**Sexual Assault Forensic Exam (SAFE) Program**

**The Women’s Center of Jacksonville’s Rape Recovery Team**

(904) 722-3000

Provides crisis counseling for both the rape victim and victim’s family. Forensic medical examinations are available to victims within 120 hours (5 days) of the assault regardless of whether the assault was reported to law enforcement. All services are free and confidential.

<https://thewcj.org/rape-recovery-prevention/>

**Victim Services Center – City of Jacksonville**

(904) 630-6300

Provides comprehensive services to victims of crimes and their families. Services are designed to reduce trauma and facilitate recovery. Services include emergency funds, community education, crisis response, information and referral, support through the criminal justice system, support groups and counseling.

https://w[ww.coj.net/departments/parks-and-recreation/social-services/](C:\\Users\\n01549717\\Downloads\\ww.coj.net\\departments\\parks-and-recreation\\social-services\\)victim-services