

**NOTICE OF AMENDED REGULATION**

**September 5, 2014**

**DEPARTMENT OF EDUCATION**

Division of Universities  
University of North Florida

**REGULATION TITLE:**

Sexual Misconduct

**REGULATION NO.:**

1.0050R

**SUMMARY:**

The regulation has been updated to bring it into compliance with Title IX and related sexual misconduct laws including the Campus Sexual Violence Elimination Act ("SaVe Act") and directives from the U.S. Department of Education Office for Civil Rights. Updates were made to make victims/survivors of the various types of sexual misconduct aware of where, when and how to report allegations of sexual misconduct as well as the services available to victims/survivors on and off campus. Health, safety and welfare has been emphasized as well as bystander awareness and reporting responsibilities for University employees.

**FULL TEXT:**

The full text of the regulation being proposed is attached.

**AUTHORITY:**

Florida Board of Governors Regulation 1.001  
Title IX

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

Tom Serwatka, Vice President and Chief of Staff

**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 Friday, September 19, 2014, to receive full consideration.*

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Sexual Misconduct Regulation

**Number:** 1.0050R

**Effective Date:** 10/27/2006

**Revised Date:** 10/16/2012

**Responsible Division/Department:-**

New Regulation

Major Revision of Existing Regulation

Minor/Technical Revision of Existing Regulation

Reaffirmation of Existing Regulation

Repealed Regulation

+

**I. OBJECTIVE & PURPOSE**

The University of North Florida ("University" or "UNF") is committed to providing all students, faculty, staff, vendors, visitors or others, an environment where they can work, study and interact with each other in a safe and dignified learning community free from any form of sexual misconduct. This regulation provides guidance regarding ~~conduct~~ behavior that constitutes sexual misconduct, reporting responsibilities regarding such conduct, victim's rights and services, and information on complaint procedures to address alleged violations of this regulation.-

ii.

**II. STATEMENT OF REGULATION AND AFFIRMATION**

For purposes of this regulation, "sexual misconduct" includes sexual exploitation, sexual harassment, non-consensual sexual contact, ~~and~~ non-consensual sexual intercourse and sexual violence, each as more fully defined below. Sexual misconduct violates ~~university~~ University policy ~~and~~, federal civil rights ~~law~~ and other laws and may ~~also be~~ subject offenders to criminal prosecution. ~~The university is committed to fostering an environment that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints.-~~

As a recipient of federal funds, the ~~university~~ University is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX")<sup>1</sup>, and The Campus Sexual Violence Elimination Act ("SaVe Act"), which ~~prohibits~~ prohibit discrimination on the basis of sex in education programs or activities. Sexual misconduct, as defined in this regulation, is a form of prohibited sex discrimination ~~prohibited by Title IX.~~ The University ~~of North Florida~~ is also committed to ~~providing programs, activities and an educational environment free from sex discrimination. Additionally, as an employer, the university is required to comply~~ complying with Title VII of the Civil Rights Act of 1964 and other federal and state laws regarding sex-based harassment.-

~~The university~~ In complying with these requirements, the University strives to provide programs, activities and an educational environment free from sexual misconduct.

The University is committed to providing all community members information regarding how to report allegations of sexual misconduct and promptly addressing such claims through fair and equitable procedures. Additionally, the University is committed to providing appropriate services to victims while working toward resolution of sexual misconduct complaints.

Many types of conduct covered by this regulation constitute crimes and should be immediately reported to the University Police Department ("UPD"), Jacksonville Sheriff's Office ("JSO") or other law enforcement agency. However, victims of sexual misconduct, referred to as "survivors," should first concentrate on getting to a safe place before contacting law enforcement or other entities. Those who witness or receive reports of sexual misconduct (defined below) should immediately report such actions to law enforcement. Reports should also be made to University's Title IX administrator during regular business hours. Victims of sexual misconduct should contact, or be referred by those made aware of offenses against them, to UNF's Victim Advocate who is available to provide services to victims/survivors on a 24-hours per day, 7--days a per week basis. (See contact information for law enforcement, victim services and the Title IX administrator in Section VIII-IV.G, and IX and X below).

The University has designated the Director of the Office of the Equal Opportunity and Diversity ("EOD") as its Title IX Administrator. ~~(See contact information in Section VI below).~~

~~The university~~ who is charged with working with University entities and others to ensure compliance with this regulation.

~~The University is also required and committed to upholding the First Amendment of the United States Constitution as well as committed to protecting academic freedom. Nothing in this regulation is intended to abridge the rights guaranteed by the First Amendment or to infringe on Academic Freedom. The University recognizes that it is a unique learning environment in which its community members have the First Amendment right to free speech and expression of differing opinions. The University also recognizes that it is an environment in which~~

its faculty have the academic freedom to provoke thought and debate and to engage in open discourse related to their individual areas of academic instruction. Thus, in exercising the standards put forth in this regulation, the University will not abridge either free speech or academic freedom based on its context.

## **A. Definitions**

1. "Sexual misconduct" is a broad term encompassing "sexual exploitation," "sexual harassment," "non-consensual sexual contact," ~~and~~ "non-consensual sexual intercourse," "dating violence," and "domestic violence" as defined in this regulation. 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.-

~~2.~~

2. "Dating Violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

3. "Domestic Violence" means violence committed by the victim's current or former spouse, ~~or~~ by a person who is or was a cohabitant with the victim as a spouse or intimate partner, by a person with whom the victim shares a child in common, by a family member, or by any other similarly situated person under domestic or family violence law.

4. "Effective consent" means words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. It is the responsibility of the person initiating sexual activity to get consent and make sure the other person is capable of giving consent at the time of the sexual activity. Effective consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the accused ~~student~~individual knows or reasonably should have known of such incapacitation. Effective consent is also absent when the activity in question exceeds the scope of effective consent previously given.-

3. "Force" means physical force, violence, threat, intimidation or coercion.-

4. "Incapacitation" means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol [or other drug] is involved, one does not have to be intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. The question is whether the accused knew, or a sober,

reasonable person in the position of the accused should have known, that the complainant was incapacitated. Because incapacitation may be difficult to discern, individuals are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is ~~incapacitated~~incapacitated and therefore unable to give effective consent. Being intoxicated or drunk is never a defense to a complaint of sexual misconduct under this regulation.-

5. "Non-consensual sexual contact" means sexual contact that occurs without effective consent.-

6. "Non-consensual sexual intercourse" means sexual intercourse that occurs without effective consent.-

~~7.~~

7. "Responsible employee" means any employee: who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Administrator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. For purposes of this regulation, UNF has designated administrators, faculty, supervisors, managers and coaches to be responsible employees.

8. "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, or clothing covering any of those areas~~), or using ~~Force~~force to cause a person to touch ~~his or her~~their own ~~or another person's~~ intimate parts with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.-

~~8~~

9. "Sexual exploitation" means taking sexual advantage of another person without effective consent, and includes, without limitation, causing or attempting to cause the ~~incapacitation~~incapacitation of another person in order to gain a sexual advantage over such other person; 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; engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.-

~~9~~

10. "Sexual intercourse" means penetration (anal, oral or vaginal) by a penis, tongue, finger, or an inanimate object.-

~~10~~

11. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal (including written and electronic communications) or physical conduct of a sexual nature from any person when:-

- 
- Submission to such conduct or request is made either explicitly or implicitly a term or condition of a student's 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; or
- 
- Submission 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; or;
- 
- Such conduct is sufficiently serious (i.e., severe, persistent or pervasive) to deny or limit a student's ability to participate in or benefit from the University's educational programs or activities or such conduct is sufficiently severe or pervasive so as to alter the conditions of, or have the purpose and effect of substantially interfering with, a faculty or staff member's employment by creating an intimidating, hostile or offensive working environment

## B. Examples of Sexual Misconduct-

In addition to the conduct described in the terms defined above, the following are common examples of unwelcome conduct which when sex-based and that rise to the level of harassment as defined in this regulation in section II.A.11 at the fourth bullet above where conduct is described as having to be sufficiently serious (i.e. severe, persistent or pervasive) that it may ~~behavior~~ can be found to be a violation of this regulation:-

- 
- 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.-
- 
- Repetitive propositions, invitations, or pressure for sexual activity.-
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- Suggestive or inappropriate communications, notes, letters, e-mail, text messages, contact through social media (i.e. – Facebook, Twitter, etc.) or other written materials.-
- Displaying, transmitting or sending 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.-
- Making suggestive or obscene gestures or making suggestive or insulting sounds.-
- Whistling in a suggestive manner.-
- Attempts at humor or the telling of jokes about sex that denigrate ~~either gender-~~ another.
- Actual or implied sexual threats or intimidation which places an individual in fear of imminent physical or psychological harm or injury.-
  - ~~Hazing, when of a sexual nature meaning~~

### **C. Examples of Criminal Acts, when based on sex, which Constitute Sexual Misconduct**

1. "Hazing" means acts likely to cause physical or psychological harm or social ostracism when related to the admission, initiation, pledging, and/or joining of a university/University group, club or organization.-
2. "Bullying, ~~when of a sexual nature meaning~~" means repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally including cyberbullying (excluding ~~speech or other~~ conduct protected by the First Amendment).-
3. "Stalking, ~~when~~" means a course of ~~a sexual nature meaning repetitive and/or menacing pursuit, following, harassing and/or interfering with the peace and/or~~ conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety ~~of a member of the university community.-~~  
or to suffer substantial emotional distress.

### **D. Actions that do not Constitute Sexual Misconduct-**

A postsecondary educational environment is unique in that there must be the freedom to express ideas and to foster communication on subjects that enhance the ~~university's~~ University's educational mission. Accordingly, while the ~~university~~ University is committed to providing a learning environment that is free from

sexual ~~harassment~~ misconduct, the purpose of this regulation is not intended to abridge academic freedom or to interfere with free speech as guaranteed by the First Amendment. ~~As such, pursuant~~ Pursuant to this regulation sexual misconduct, particularly sexual harassment 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~~ 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.-

Faculty

However, faculty and students must, ~~however,~~ be mindful that the courts have placed restraints on academic freedom at public institutions, such as UNF, and that conduct in ~~the classroom~~ an educational setting cannot ~~deny or~~ limit or deny a student's ability to participate in or benefit from the ~~university's~~ University's educational programs or activities. Further, while there is no "bright line" test regarding the appropriateness of the content of expression in an academic setting, all students, faculty and staff have an obligation pursuant to this regulation to conduct themselves in a "reasonable" manner in their interactions with other members of the ~~university community.-~~

iii. University community.

### III. REGULATION REQUIREMENTS

#### Responsibility to Comply with the Sexual Misconduct Regulation.

##### All members of the University **VIOLATIONS**

~~In determining whether alleged conduct constitutes sexual misconduct in violation of this regulation, the conduct will be evaluated from the perspective of a reasonable person in the alleged victim's position considering the totality of the circumstances, such as the nature of the alleged conduct and the context in which the alleged conduct occurred. In an academic setting, consideration will be given to free speech and academic freedom. For example, expression that is intended to facilitate discourse or debate in a classroom setting or open debate forum may be considered appropriate, but similar expression in the workplace may be unwelcome and inappropriate in the context of communications between employees. Those found to have violated this regulation will be subject to disciplinary action up to and including termination.-~~

#### IV. REGULATION REQUIREMENTS

**A. Responsibility to Comply with the Sexual Misconduct Regulation.**

All members of the university community are responsible for ensuring that their conduct does not violate this regulation. This same responsibility extends to, vendors, contractors (including the employees of third parties), visitors or others on the University's campus or at any University sponsored or University related function or activity. EOD will consult with the vendor or contract manager to determine how any investigation will be undertaken. The ~~university~~University shall take action against the vendor or contractor, when warranted, in accordance with the terms of the governing contract or agreement.-

**B. Required Responsibility to Report Perceived or Actual Violations of the Sexual Misconduct Regulation.**

**1. Responsibility of Supervisors**

**IV. ADMINISTRATOR, FACULTY, SUPERVISOR, MANAGER AND COACH'S RESPONSIBILITY TO REPORT SEXUAL MISCONDUCT**

Under federal law and ~~Managers:~~ At this regulation, all administrators, faculty, supervisors and managers (defined for purposes of this regulation as supervising 1 or more employees)employee), managers and coaches are required to promptly considered to be a "responsible employee" who when informed of or witness sexual misconduct as defined by this regulation, **must** report to the Office of Equal Opportunity and Diversity (EOD) (either verbally or through written communications) these allegations, reports or instances to the appropriate authorities. Note: *any University official meeting this definition cannot have "off the record" conversations with victims / survivors and must report allegations of sexual misconduct as set forth below. Also, if there is an confusion regarding to whom an incident should be reported, a responsible employee should contact UPD.*

**A. Responsibility to Report Criminal Acts.**

If a responsible employee is informed by an individual that they have been subjected to sexual misconduct (a "victim /survivor") either on or off campus involving violence, physical harm, or fear of safety, the responsible employee must immediately report the incident to the appropriate law enforcement agency (UPD, JSO, etc.) and the Title IX Administrator.

**B. Reporting Responsibilities Regarding Student Victims / Survivors.**

If the victim / survivor is a student, in addition to immediately contacting law enforcement and the Title IX Administrator, responsible employees must also contact the Dean of Student Affairs, or Student Conduct Office to report the incident so that the University can meet its obligation to take prompt remedial action to address the allegations of sexual misconduct.

**C. Reporting Responsibilities Regarding Faculty or Staff Victims / Survivors.**

If the victim / survivor is a faculty or staff member, in addition to immediately contacting law enforcement and the Title IX Administrator, responsible employees must also contact the Office of Employee and Labor Relations in the Office of Human Resources. This office will work in conjunction with the Title IX Administrator and appropriate UNF administrators to address the reported conduct.

#### **D. Reporting Responsibilities Regarding Other Violations of this Regulation.**

If a responsible employee becomes aware of any other allegations and concerns of alleged sexual misconduct by or against any person covered by this Regulation.

2. Responsibility of Faculty: ~~All faculty are required to promptly report to the EOD or alternatively to their department chair, dean or applicable academic administrator allegations, reports or instances of~~ regulation, the responsible employee must refer anyone subjected to alleged sexual misconduct by or against a student in violation of to EOD and contact the University's Sexual Misconduct Regulation. Persons to whom alleged acts of sexual misconduct are reported must then promptly report EOD Director regarding the matter to the EOD (referral, either verbally or through written communications).

#### 3. Responsibility of

**E. Reporting by Community members:** ~~To maintain an environment free from sexual misconduct, the responsibility for reporting incidents of sexual misconduct rests with all members of the university community. Thus, any~~ **and Bystanders.**

Any employee, staff or faculty member, student, applicant or other community member, who is not considered a responsible employee, but who believes another community member is ~~being/was~~ subjected to sexual misconduct in violation of this regulation is strongly encouraged to report the matter to law enforcement and their supervisor, manager, or directly to the EOD. ~~(As discussed above, all alleged incidents of conduct in violation of the University's Sexual Misconduct Regulation. If physical safety, threats or assault is involved, such~~ must be promptly reported to the law enforcement, and then to EOD).

#### 4.

Bystanders are also strongly encouraged to take an active role in attempting to prevent sexual misconduct from occurring if they can safely intervene and stop what they realize are inappropriate acts. Examples of bystander awareness, include but are not limited to: when they see conduct that is inappropriate, they say so; using the "buddy system" to watch out for friends or acquaintances at bars or social events; educates themselves and friends about risk factors associated with sexual misconduct; makes themselves aware of campus and other resources to assist victims; and any other act where they can help prevent sexual misconduct from occurring and/or helping victims of sexual misconduct seek assistance.

**F. Reporting Responsibility and Rights of Victim:-Victims.**

An individual who deems another's conduct as sexually offensive is encouraged to advise the offending party that the conduct is unwelcome and to ask the offender(s) to cease ~~same~~the offending conduct. An individual who feels uncomfortable and/or harmed by offensive behavior should also try to remove themselves from the offending situation and seek help as quickly as possible by reporting the offending conduct to an individual designated in this regulation. However, failure for an individual to take affirmative steps to stop sexual misconduct in no way bars the individual from ~~seeking relief through filing a claim under this regulation~~.

#### **C. Amorous and Sexual Relationships**

using University resources for victims/survivors including the Victim Advocate program, Counseling Center, Student Health and other services the University may have to offer depending on the individual's status, for example student or faculty or staff. Similarly, not taking affirmative steps to stop sexual misconduct does not prevent the individual from seeking relief through filing a claim under this regulation. While the University encourages prompt reporting by an individual who feels that they have been a victim of sexual misconduct, it is the victims' option to, or not to, report and seek assistance from law enforcement and individuals designated in this regulation.

If a victim / survivor who fears for their physical safety, and/or feels threatened should call the UPD from a safe place or from any campus telephone or "Code Blue" phone. Sexual assault victims / survivors can call 911 either on campus or off campus for law enforcement assistance. Calling 911 on campus will result in the call being routed to UPD while off campus calls will go to JSO. Police officials at both the UPD and JSO have professionally trained personnel to assist with securing medical and other necessary assistance for sexual misconduct victims / survivors.

A victim / survivor who reports to UPD will receive a coordinated response from the UNF Victim Advocacy Program as well as EOD. The victim will receive an advocate who will assist the victim in assessing their options as well as serving as the victim's / survivor's liaison for on and off campus services. The victim also has a right to an impartial investigation of complaints, to have an advisor present during all stages of the investigation, to present evidence and witnesses, and to appeal any outcomes.

Additional victim's rights in an action under the Student Conduct Code include protection from admissibility of victim's past sexual history by the accused, notification of the outcome of the hearing simultaneously with the accused and a right to appeal any conduct finding. Also, the University will take immediate efforts to accommodate special requests by the victim, such as campus housing and course enrollment changes.

#### **G. Confidential and Anonymous Reporting.**

The University will make all reasonable efforts to maintain the confidentiality of victims involved in a sexual misconduct investigation. The University may release

information about the assault without the victim's permission, in order to warn and protect the University community. A victim may also wish to report anonymously. A victim has the right to do so, however, the University's ability to investigate and take prompt remedial action to address alleged violations of this regulation may be limited in such instances.

If a victim chooses not to report or report anonymously, all of the on and off campus services are still available to the victim. At any time, a victim may obtain assistance from the University by calling the UNF Victim Advocacy Program, listed below. Assistance is available 24 hours a day, 7 days a week at (904) 620-1010. All information received by the UNF Victim Advocacy Program and its advocates remains confidential to the extent allowed by law.

## **V. AMOROUS AND SEXUAL RELATIONSHIPS**

It is not uncommon for uUniversity 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 uUniversity 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 would impact the educational or work performance of the other individual. (see See Amorous or Sexual Relationships Policy ~~13.00601.0070P~~).

v.

## **VI. REPORTING PROCESS AND COMPLAINT PROCEDURE**

The most important issue is that potential or actual violations of this regulation be immediately reported. Criminal acts should be reported to law enforcement. If incidents occur off campus the local law enforcement agency should be contacted by calling 911. On campus criminal incidents should be reported to the University police (UPD) by also calling 911 and the call will be directed to UPD. Law enforcement should be called in any situation where the immediate safety and welfare of individual is a concern. Victims/Survivors of sexual misconduct, regardless of gender, should also either contact or be referred to the Office of the Victim Advocate which is located in the Women's Center. The Victim Advocate provides a number of victim services on a confidential basis. The telephone number for the Office of the Victim Advocate is 620-2828. The University has established procedures where calls to law enforcement and Victim Advocate are shared to the extent possible, protecting confidentiality when requested, to the Title IX Administrator for monitoring Title IX compliance.

Non-criminal potential or actual violations of this regulation should be reported to the Office of Equal Opportunity and Diversity (EOD). The EOD can be reached at 620- 2507. EOD is located in J.J. Daniels Hall in Suite 1201, 1 UNF Drive, Jacksonville, Florida. Alleged violations of this regulation, including the actual filing of a

complaint of sexual misconduct, will be addressed by the EOD Director/Title IX Administrator in accordance with the Non-Discrimination EOD Complaint and Investigation Procedure, which can be found in UNF Policy 1.0060P and on EOD's website at: <http://www.unf.edu/eod>.

## **VII. RETALIATION**

Retaliation, or otherwise taking adverse employment or educational action, against a member of the ~~university~~ **University** community because they in good faith reported sexual misconduct, or participated in an investigation or review regarding a complaint, is strictly prohibited. Those found to have violated this prohibition against retaliation will be subject to disciplinary action up to and including termination.-

### **VI. REGULATION PROCEDURES-**

#### **A. Seeking Guidance or Filing a Complaint under this Regulation.**

~~Any member of the university community who believes that he or she has been subjected to sexual harassment; any member of the community who believes that he or she has been subjected to retaliation related to an allegation of sexual misconduct; or any member of the community who believes that others have been subjected to sexual harassment in violation of this regulation, may seek guidance, counseling or file a complaint in accordance with this regulation by contacting: **Director, Office of Equal Opportunity and Diversity**, University of North Florida, J. J. Daniel Hall, Room 1201, 1 UNF Drive, Jacksonville, Florida 32224-2645, (904) 620-2507 Voice & TDD and (904) 620-1004 Fax or via 711 Florida Relay for persons who are deaf or hard of hearing or those with speech impairments and/or limitations.-~~

#### **B. Complaint Procedure-**

~~Allegations of violation of this regulation including the actual filing of a complaint of sexual misconduct will be addressed by the Director in accordance with the EOD Complaint and Investigation Procedures which can be found on EOD's website at: <http://www.unf.edu/eod>.-~~

### **VII. WHERE TO GET HELP**

~~In addition to contacting the EOD office, any of the following offices at the University of North Florida may be contacted for information or assistance regarding matters involving sexual misconduct:~~

#### **UNF Counseling Center-**

~~Founders Hall (Building 2)  
Room 2300  
(904) 620-2602-~~

#### **UNF Women's Center-**

~~Founders Hall (Building 2) Room 2100  
(904) 620-2528-~~

#### **Office of Student Conduct-**

~~Founders Hall (Building 2)  
Room 1011  
(904) 620-3979-~~

#### **Office of the Student Ombuds**

~~Founders Hall (Building 2)  
Room 2104-~~

(904) 620-1491-

~~Office of Human Resources-~~

~~J.J. Daniel Hall (Building 1)-  
Room 1000-  
(904) 620-2903-~~

~~Office of Student Affairs-~~

~~Student Union-  
Room 2091-  
(904) 620-2600-~~

~~Office of Academic Affairs~~

~~J.J. Daniel Hall (Building 1)-  
Room 2500-  
(904) 620-2700-~~

~~Office of the General Counsel~~

~~J.J. Daniel Hall (Building 1)-  
Room 2100(904) 620-2828-~~

~~If fear of physical safety, threats, or assault is involved~~ contact:

~~University Police Department-~~

~~Police Station (Building 41)-  
(904) 620-2801-  
or-~~

~~University's Office of the Victim Advocate (located within the Women's Center)-~~

~~Founders Hall (Building 2)-  
Room 2623-  
(904) 620-2528~~

## VIII. VIOLATIONS

Determining whether alleged conduct constitutes sexual misconduct or retaliation in violation of this regulation, the conduct will be evaluated from the perspective of a reasonable person in the alleged victim's position considering the totality of the circumstances, such as the nature of the alleged conduct and the context in which the alleged conduct occurred. In an academic setting, consideration will be given to free speech and academic freedom. For example, expression that is intended to facilitate discourse or debate in a classroom setting or open debate forum may be considered appropriate, but similar expression in the workplace may be unwelcome and inappropriate in the context of communications between employees. -

<sup>†</sup> Title IX requires that the university Those found to have violated this regulation will be referred to their supervisor who will determine appropriate disciplinary action.

## IX. ENFORCEMENT

As mentioned in this regulation, many types of sexual misconduct constitute crimes and may lead to criminal prosecution. Criminal procuring will be addressed separately from the University's enforcement of this regulation. Any individual, student, faculty or staff, found to have violated this regulation will also be subject to discipline through the appropriate procedures. For example, students will be referred to Student Conduct and faculty and staff will be subject to disciplinary

action in accordance with UNF's personnel program and any applicable collective bargaining agreements. The University has an obligation to promptly respond to allegations of sexual misconduct and will proceed, unless exceptional circumstances dictate otherwise, with its own investigative and disciplinary procedures while criminal charges are pending.

As mentioned above, many types of sexual misconduct may lead to criminal prosecution. Any individual, student, faculty or staff, found to have violated this regulation will also be subject to discipline through the appropriate procedures. For example, students will be referred to Student Conduct. Faculty and staff will be subject to disciplinary action in accordance with UNF's personnel program and any applicable collective bargaining agreements. The University has an obligation to promptly respond to allegations of sexual misconduct and will proceed, unless exceptional circumstances dictate otherwise, with its own investigative and disciplinary procedures while criminal charges are pending.

## **COMPLAINT PROCEDURE**

Criminal acts should first be reported to law enforcement and safety and welfare issues should be addressed first through the University's Victim Advocate. Such matters will be referred the Title IX Administrator for review and further action as allowable. The Title IX Administrator can be contacted in the EOD office at 620-2507. EOD is located in J.J. Daniels Hall in Suite 1201, 1 UNF Drive, Jacksonville, Florida. Alleged violations of this regulation, including the actual filing of a complaint of sexual misconduct, will be addressed by the Director/Title IX Administrator in accordance with the Non-Discrimination EOD Complaint and Investigation Procedure, which can be found in UNF Policy 1.0060P and on EOD's website at: <http://www.unf.edu/eod>.

## **X. ON- AND OFF-CAMPUS CONTACTS TO GET HELP**

*If fear of physical safety, threats, or assault is involved* contact:

### **University Police Department**

Police Station (Building 41)

911 or (904) 620-2801

### **UNF's Victim Advocacy Program (located within the Women's Center)**

Founders Hall (Building 2)

Room 2623

(904) 620-1010

### **Jacksonville Sheriff's Office**

501 E. Bay Street

Jacksonville, FL

911 or (904) 630-0500

In addition to contacting the EOD, 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)

Room 2500

(904) 620-2700

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**UNF Counseling Center**

Founders Hall (Building 2)

Room 2300

(904) 620-2602

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**Office of the General Counsel**

J.J. Daniel Hall (Building 1)

Room 2100(904) 620-2828

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**Office of Human Resources**

J.J. Daniel Hall (Building 1)

Room 1000

(904) 620-2903

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**Lesbian, Gay, Bisexual, Transgender Resource Center**

Student Union East (Building 58)

(904) 620-4720

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**Office of Student Affairs**

Student Union East (Building 58)

Room 2091

(904) 620-2600

**Office of Student Conduct**

Founders Hall (Building 2)

Room 1011

(904) 620-3979

**Office of the Student Ombudsman**

Founders Hall (Building 2)

Room 2104

(904) 620-1491

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**UNF Women's Center**

Founders Hall (Building 2) Room 2100

(904) 620-2528

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.

**Sexual Assault Response Center**

(904) 358-RAPE (7273)

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

**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.

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

(904) 722-3000

Provides 24 hour services to victims of sexual assault regardless of whether the assault was reported to law enforcement. Services include crisis intervention, emotional support, information, referrals and follow-up services for victims, families and friends. All services are free and confidential.

<sup>1</sup> Title IX requires that the University have a statement of policy and procedure for handling complaints of Sexual Misconduct. 20 U.S.C. 1092(1)(7) and 1681 (a). This Regulation constitutes that statement.

*Revisions approved by the Board of Trustees ~~10/16/12.~~*

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