

## NOTICE OF AMENDED REGULATION

September 11, 2015

### 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"), directives from the U.S. Department of Education Office for Civil Rights, and amended reporting requirements of the Clery Act. The regulation covers both criminal acts and civil issues (i.e. - sexual harassment) that are broadly defined as Sexual Misconduct. The regulation includes definitions of what constitutes sexual misconduct, consent to engage in sexual activity and employees who are designated "Responsible Employees" who are required to report conduct in violation of this regulation. Updates were made to make alleged victims aware of where and how to report violations of this regulation as well as detailing the various types of services available to alleged victims both on and off campus. The regulation also emphasizes that there will not be a "rush to judgment" of those accused of committing sexual misconduct by explaining those accused of violating this regulation will be afforded due process and the same services available to alleged victims.

### FULL TEXT:

The full text of the proposed amendment to the regulation is attached.

### AUTHORITY:

Resolution of the Florida Board of Governors dated January 7, 2003,  
BOG Regulations 1.001 and Title IX.

### UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Scott Bennett, Associate Vice President, Administration and Finance

### 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 28, 2015 to receive full consideration.***



Regulation Number	Subject	Effective Date	Revised Date
1.0050R	Sexual Misconduct	10/27/06	<del>10/16/12</del>
<b>Responsible Unit/Division:</b>			
<input type="checkbox"/> New Regulation Proposal	<input checked="" type="checkbox"/> Major Revision of Existing Regulation	<input type="checkbox"/> Minor/Technical Revision of Existing Regulation	<input type="checkbox"/> Reaffirmation of Existing 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.

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**II. STATEMENT OF REGULATION AND AFFIRMATION**

For purposes of this regulation, “sexual misconduct” ~~includes sexual exploitation, sexual harassment, non-consensual~~ means any ~~intentional~~ sexual contact, ~~and non-consensual sexual intercourse, each~~ toward another without the person’s consent 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~~ disciplinary action. All University community members, students, faculty, staff, visitors, contractors, and fair resolution of sexual misconduct complaints.

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As a recipient of federal funds, the university is required to ~~others who enter UNF's campus~~ **must comply with** Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX"),<sup>3</sup> which prohibits discrimination on the basis of sex in education programs or activities. Sexual misconduct, as defined in this regulation, is a form of sex discrimination prohibited by Title IX. The University of North Florida is committed to providing this regulation.

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The University strives to provide programs, activities, ~~and~~ <sup>an educational environment free from sex discrimination.</sup> Additionally, as an employer, the university is required to comply with Title VII of the Civil Rights Act of 1964 services and educational opportunities to all who interact in our University community regarding that inform our students, faculty and other federal staff about sexual misconduct, reporting sexual misconduct and state laws regarding sex-based harassment.

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the services available at the University and in the community to assist them victims of sexual misconduct. The University is also committed to promptly addressing allegations of sexual misconduct through the procedures discussed in this regulation.

Sexual Misconduct may constitute crimes and/or civil complaints. Criminal acts, for example sexual battery, rape and related sex crimes, should be immediately reported to the University Police Department ("UPD"), Jacksonville Sheriff's Office ("JSO") or other law enforcement agency. Civil complaints, for example sexual harassment, should be reported to UNF's Office of the Equal Opportunity and Diversity ("EOD") who will advise individuals of their rights pursuant to this regulation and work with the parties involved to investigate and address complaints.

The university ~~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).~~

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~~The university, who is also required~~ charged with working with University entities, and committed ~~Others to~~ upholding the First Amendment of the United States Constitution as well as committed to protecting academic freedom. Nothing in ensure compliance with this regulation is intended to abridge the rights guaranteed by the First Amendment or to infringe on Academic Freedom.

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#### A. Definitions

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1. "Sexual misconduct" is a broad term encompassing "sexual exploitation," "sexual harassment," "non-consensual sexual contact," and "non-consensual sexual intercourse," "dating violence," "domestic violence," "stalking" and "sexual harassment" 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

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women, and it can occur between people of the same or different sex.

2. "Effective consent" **Consent** means words or actions that show a knowing and voluntary agreement; informed affirmative act or statement by each person involved to engage in mutually agreed-upon sexual activity. Effective consent cannot be gained by force, by ignoring or acting in spite. The following apply to this definition.

- It is the responsibility of ~~the objections of another, or by taking advantage of the incapacitation of another, where the accused student knows or reasonably should have known of such incapacitation. Effective consent is also absent when the~~ **each person involved in any sexual activity** ~~in question exceeds the scope of effective consent previously given.~~

3. "Force" means physical force, violence, to ensure that they have the affirmative consent of the other or others to engage in sexual activity. Lack of protest, lack of resistance or silence does not mean consent.

- Consent cannot be obtained by force, threat, coercion, manipulation, reasonable fear of injury, intimidation, use of position of influence, or through the use of one's mental or ~~coercion.~~

4. "Incapacitation" physical helplessness or incapacity.

- Consent must be ongoing throughout a sexual activity and can be revoked at any time as long as the withdrawal is affirmatively effectively communicated by the person withdrawing consent through words or actions. If a party to sexual activity falls asleep during the sexual activity they lack the capacity to provide consent to further sexual activity.
- Consent to one act by itself does not constitute consent to another act.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

3. "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.

4. "Domestic Violence" means violence committed by the victim's current or former spouse, 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.

5. "Incapacity" means the physical and/or mental inability to make an informed, or rational judgments; judgment. States of ~~incapacitation~~ **incapacity** include, without limitation, disability, age, sleep, blackouts, and flashbacks. Where alcohol [or other drug] is involved, has been consumed, one does not have to be intoxicated or drunk to be considered incapacitated. to lack the capacity to provide affirmative consent to engage in sexual activity. Rather, ~~incapacitation~~ **incapacity** is determined by how the alcohol or drug consumed impacts a person's

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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/incapacity 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~~ and therefore unable to give effective ~~should ensure the other person or persons provide consent before proceeding with sexual activity.~~ Being intoxicated or ~~drunk is never~~ under the influence of alcohol or drugs is not a defense to a complaint of sexual misconduct under this regulation.

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5. as all parties involved in a sexual act must provide ongoing affirmative consent to engage in sexual activity.

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

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6.7. "Non-consensual sexual intercourse" means vaginal, anal or oral sexual intercourse that occurs without effective consent.

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8. "Responsible Employee" means any administrator, faculty, or staff that supervises one or more employees as a part of their official duties and the following:

- All employees within a of the ~~u~~University's ~~p~~Police ~~d~~Department (UPD), UNF's ~~a~~Athletic ~~d~~Department, and Housing and Residence Life department, regardless of whether they supervise another individual.
- Faculty and staff serving as advisors for officially recognized student organizations (i.e. – clubs registered through Club Alliance) whether or not they supervise an employee as a part of their official duties.
- Employees not included in this definition are those employed within the University's Women's Center including the Victim Advocacy Program, Student Health Services, or the Counseling Center.
- Individuals designated by the University as a Campus Security Authority (CSA) for purposes of compliance with the Clery Act. Please see exemption for Counseling Center employees serving as a CSA and limitations regarding the geographical area and circumstances where a CSA is required to report crimes in the definition of "Campus Security Authority".
- Employees not included in this definition are those employed within the University's Women's Center including the Victim Advocacy Program, Student Health Services, or the Counseling Center.

Note: A responsible employee is required to report incidences of sexual misconduct, regardless of where the incident occurred (i.e. on UNF's campus

*or elsewhere). Additionally, while individuals employed in the University's Women's Center including the Victim Advocacy Program and, Student Health Services, or the Counseling Center are not considered to be a responsible employee, these employees are considered to be a Campus Security Authority and must report sex crimes or other crimes that occurred on UNF's campus, UNF controlled property, or designated UNF sponsored travel to UPD. However, these employees will still provide confidential services and will not disclose the name of a victim without the victim's consent. Maintaining confidentiality of victims is discussed in further detail in Section VI of this regulation, Confidential and Anonymous Reporting.*

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Additionally, this definition 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 Family Service in accordance with section 39.201, Florida Statutes, and Board of Governors Regulation 3.002.

9. "Campus Security Authority" means a UNF employee occupying a position designated by the University as a Campus Security Authority (CSA) for purposes of compliance with the Clery Act. Individuals occupying these positions have significant interaction with students as part of their job duties and the intent of including non-law enforcement personnel in the role of CSA is to acknowledge that some community members and students in particular may be hesitant about reporting crime to the police, but may be more inclined to report incidents to other campus-affiliated individuals.; however, faculty are exempt from being classified as a CSA unless they are serving as a club advisor or a travel abroad leader. All "responsible employees" fall within the definition of a CSA, but the reporting responsibility of a CSA is more narrow than a responsible employee since a CSA is only required to report designated crimes that occurred on UNF's campus, UNF controlled property, or designated UNF sponsored travel to UPD. Crimes reported to a CSA can be included in UNF's annual crime statistics which are part of the University's Annual Security Report. A CSA's only obligation is to report crimes and if the victim seeks confidentiality, the CSA must honor that request. Maintaining confidentiality of victims is discussed in further detail in Section VI of this regulation, Confidential and Anonymous Reporting. For a complete listing of positions designated as a CSA, please see the Campus Security and Security Reporting policy 1.0120P [http://www.unf.edu/president/policies\\_regulations/01-General/1\\_0120P.aspx](http://www.unf.edu/president/policies_regulations/01-General/1_0120P.aspx)

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10. "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 or to cause a person to touch his or her their own or another person's intimate parts.

8. or the intimate parts of others with an intent to abuse, humiliate, harass,

degrade, or arouse or gratify the sexual desire of any person.

11. "Sexual exploitation" means taking sexual advantage of another person without ~~effective~~their 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.

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12. "Sexual intercourse" means penetration (anal, oral or vaginal) by a penis, tongue, finger, or ~~an inanimate~~by any other object.

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13. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal (including written and electronic communications when such communications are not protected as freedom of speech) or physical conduct of a sexual nature from any person when:

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- 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

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B. Examples of Sexual Misconduct.

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14. "Stalking" means a person who engages in a course of conduct where they willfully, maliciously, and repeatedly follow, harass, or cyberstalk another person. A "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose; ~~and~~ "harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose. Similarly, "cyberstalk" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

15. "Unwelcome Conduct" means behavior of a sexual nature that a person does not ask for and considers undesirable or offensive.

#### B. Additional Examples of Criminal Acts, when based on sex, which May 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 group, club or organization when such behaviors are not protected as freedom of speech.
2. "Bullying/Cyberbullying" means repeated and/or severe aggressive behaviors with the intent to intimidate or harm another person, physically or emotionally, when such behaviors are not protected as freedom of speech. Examples of such conduct include stalking, harassment, and invasion of privacy.

#### C. Examples of Sexual Harassment

The following are common examples of unwelcome conduct when sex-based that may rise to the level of sexual harassment as defined in this regulation. Actions that are sufficiently serious, severe, persistent or pervasive ~~that may may~~ be found to constitute Sexual Harassment ~~include:~~

- 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.

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- Repetitive propositions, invitations or pressure for sexual activity by a party when the other party finds the propositions and invitations to be unwelcome.
- Suggestive or inappropriate sex-based communications, notes, letters, e-mail, text messages, contact through social media (i.e. – Facebook, Instagram, Twitter, 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.

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

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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.

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Faculty must, however,

While the above is protected speech, faculty and students must be mindful that the courts have placed restraints on academic freedom at public

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institutions, such as UNF, and that ~~conduct in the classroom cannot deny or limit a student's~~ protected in an educational setting, it is not unconditional and cannot limit or deny a student's ability to participate in or benefit from the University's educational programs or activities.

### III. DUTY TO REPORT SEXUAL MISCONDUCT

~~Under federal law and this regulation, all administrators, faculty, supervisors and others designated as a "Responsible Employee", who when informed of or witness sexual misconduct as defined by this regulation, must report these allegations to the appropriate authorities~~UPD and/or Title IX Administrator. ~~As noted in the definition of "Responsible Employee, many individuals designated as a Responsible Employee such individuals~~ are also designated Security Authority for purposes of compliance with the Clery Act. UNF's Campus Security and Safety Policy provides a listing of all positions that are designated as a CSA ~~and who that~~ are required to report criminal acts, of a sexual nature, to UPD that occur on UNF's campus, UNF controlled property and designated UNF sponsored travel. Note: *any University employee meeting this definition cannot have "off the record" conversations with individuals claiming to be victims of sexual misconduct and must report allegations of sexual misconduct as set forth below. Also, if there is any confusion regarding to whom an incident should be reported, a responsible employee should contact UPD.*

#### A. Reporting Criminal Acts in Violation of this Regulation

If a responsible employee, as defined in this regulation, is informed by an individual that they have been subjected to sexual misconduct 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.).

#### B. Reporting Civil Acts in Violation of this Regulation.

If a responsible employee, as defined in this regulation, is informed by an individual that they have been subjected to sexual misconduct of a civil nature, for example sexual harassment, the responsible employee must immediately report the incident to the Office of Equal Opportunity and Diversity ("EOD") who will promptly address the issue.

### IV. ~~Community Members are Encouraged to Report Acts in Violation of this Regulation.~~COMMUNITY MEMBERS ARE ENCOURAGED TO REPORT ACTS IN VIOLATION OF THIS REGULATION.

As stated above, all community members have a responsibility to comply with this regulation. As such, any employee, staff or faculty member, student, applicant or other community member, who is **not** designated as a

responsible employee under this regulation, but who believes another community member is/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,

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**V. Victim Reporting, Rights of ~~conduct in violation of~~ Victims and Rights of ~~the University's Sexual Misconduct Regulation must be promptly reported to the EOD.~~ **VICTIM REPORTING, RIGHTS OF VICTIMS AND RIGHTS OF ACCUSED.****

**4. Responsibility of Victim: Accused.**

**A. Victim Reporting.**

An individual who deems another's ~~conduct~~ actions as ~~sexually offensive~~ sexual misconduct is encouraged to advise the offending party that the conduct is unwelcome and to ~~ask~~ inform the offender(s) to cease ~~same~~ the unwelcome behavior. An individual who feels uncomfortable and/or harmed by ~~offensive behavior~~ sexual misconduct 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~~ a Responsible Employee as, 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.~~

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**C. Amorous and Sexual Relationships**

~~It is not uncommon for university~~ Using University resources 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 an individual 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 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 individuals who have been subjected to sexual misconduct.

**B. Victim Rights**

An individual who reports sexual misconduct to UPD will receive information  
misconduct to a Responsible Employee or CSA, is eligible to receive  
confidential services through UNF's Victim Advocacy Program, Counseling  
Center or Student Health Services. Individuals who seek services through the  
Victim Advocacy Program will receive an advocate who will assist the victim  
in assessing their options, such as reporting the sexual misconduct to UPD  
and/or the Title IX Administrator, as well as serving as the individual'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 and remain informed  
during all stages of the investigation, to present evidence and witnesses, to  
be notified of the outcome of any investigation and resulting disciplinary  
action, if applicable, and to appeal any outcomes.

Also, the University will take prompt remedial action to address the situation  
by making immediate efforts to ensure the safety and security of both parties  
by making necessary accommodations, such as changes in campus housing  
and course enrollment changes..

### **C. Rights of those Accused of Engaging in Sexual Misconduct.**

UNF has a responsibility to take prompt remedial action to address sexual  
misconduct, but that does not include a rush to judgment of those accused of  
having engaged in conduct in violation of this regulation. Those accused of  
committing sexual misconduct will be provided due process in the  
investigation, review and potential disciplinary action relating to allegations of  
sexual misconduct. Similarly, accused individuals will have the same right to  
utilize campus services available to those who indicate they are victims of  
sexual misconduct including utilization of the counseling center, Student  
Ombuds, etc. The University will take prompt remedial action to address the  
situation by making immediate efforts to ensure the safety and security of  
both parties by making necessary accommodations, such as changes in  
campus housing and course enrollment changes.

## **VI. Confidential and Anonymous Reporting****CONFIDENTIAL AND ANONYMOUS REPORTING.**

The University will make all reasonable efforts to maintain the confidentiality  
of individuals 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 through UPD's "silent witness" procedure. An individual  
complaining of sexual misconduct has the right to not proceed with filing a  
complaint; however, the University has an obligation to take prompt remedial  
action by investigating the complaint and taking action as required. However,  
the University's ability to investigate and take all appropriate actions may be  
limited in such instances.

If a victim of sexual misconduct chooses not to report the incident to law enforcement or University officials or to file a report anonymously, all services described in Section XI below, both on and off campus, 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.

## **VII. 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 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 would could impact the educational or work performance of the other individual. (see See Amorous or Sexual Relationships Policy 431.0070P).

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## **VIII. COMPLAINT PROCEDURE**

Criminal complaints against students, faculty and staff will be handled by law enforcement, but will also be addressed concurrently by the University. Complaints against students will generally be investigated through the Office of the Dean of Students and if it is determined that there are grounds for pursuing disciplinary action, the matter will be addressed pursuant to the Student Code of Conduct. However, in some situations, student complaints will be investigated through the complaint procedure available through the Office of Equal Opportunity and Diversity (EOD). If you have any questions regarding which procedure should be utilized, contact the Dean of Students or EOD.

Civil allegations of violation of this regulation (i.e.- sexual harassment) should be reported to the Office of Equal Opportunity and Diversity (EOD). Alleged violations of this regulation by students, faculty, and staff, 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.

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and on EOD's website at: <http://www.unf.edu/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.

## IX. 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 1014  
(904) 620-3079

**Office of the Student Ombuds**  
Founders Hall (Building 2)  
Room 2104  
(904) 620-1494

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## X. VIOLATIONS AND ENFORCEMENT

Students who are found have violated the Sexual Misconduct Regulation will be subject to disciplinary action as set forth in the Student Code of Conduct. Faculty and staff who are found to have violated this regulation will be subject to disciplinary action pursuant to applicable collective bargaining agreements or the UNF's Personnel Program.

When addressing complaints against faculty and staff, 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. For students, the determination of whether sexual misconduct has occurred will be handled according to the procedures set forth in the Student Code of Conduct.

## XI. 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  
or

University's Office of the  
UNF's Victim Advocate Advocacy Program (located within the Women's  
Center)  
Founders Hall (Building 2)  
Room 26232100  
(904) 620-26281010

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

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(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**

Skinner – Jones Hall (Building 3)

Room 1011

(904) 620-3979

**Office of the Student Ombudsman**

Founders Hall (Building 2)

Room 1101

(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 Forensic Exam (SAFE) Program**  
**The Women's Center of Jacksonville's Rape Recovery Team**  
**(904) 721-RAPE (7273)**

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.

**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.

<sup>1</sup> Title IX requires that the ~~university~~ **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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