Sexual Misconduct is never okay

Prevent Recognize Report

The University of Florida has zero tolerance for domestic violence, dating violence, stalking, sexual misconduct, sexual harassment and other types of interpersonal relationship violence. The university’s nondiscrimination policy includes on and off campus programs and activities and same sex incidences. This document is intended to help victims understand rights and options. More information may be found at www.hr.ufl.edu/prevent.
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AVAILABLE SERVICES

The university and the local community provide health services, mental health services, counseling services, victim advocacy, legal services and awareness training—all free of charge.

If the person who harmed you is a student, please contact:

- Deputy Title IX Coordinator for Students
  Chris Loschiavo, (352) 392-1261 or chrisl@dso.ufl.edu

If the person that harmed you is a faculty member, staff member or other UF employee, vendor, or other non-student, please contact:

- Deputy Title IX Coordinator for Faculty and Staff
  John Rouse, (352) 392-1072 or jsrouse@ufl.edu.

Additional resources available on campus and in the local community:

- Alachua County Sheriff’s Office (352) 367-4000
- Gainesville Police Department (GPD) Emergency Services 911
- University Police Department (UPD) (352) 392-1111
- Alachua County Crisis Center (352) 264-6789 (24/7)
- Alachua County Victim Services and Rape Crisis Center (352) 264-6760 (24/7)
- Peaceful Paths Domestic Abuse Network (352) 377-8255 (24/7)
- STRIVE at GatorWell Interpersonal Violence Prevention Training (352) 273-4450
- UF Counseling & Wellness Center (352) 392-1575
- UF Disability Resource Center (352) 392-8565
- UF Employee Assistance Program (EAP) (352) 392-5787, eaphelp@shcc.ufl.edu (24/7)
- UF Human Resource Services (352) 392-2477
UF Student Conduct and Conflict Resolution at (352) 392-1261
UF Student Health Care Center (352) 392-1161
UF Victim Advocates (352) 392-5648 (24/7)
UMatter We Care (352) 294-CARE (2273), umatter@ufl.edu

An online listing of confidential resources and campus responsible employees may also be found at www.hr.ufl.edu/prevent.

UF VICTIM ADVOCATES
(352) 392-5648
The University of Florida provides victim advocates. This confidential service is free to all UF students and employees who are the victims of a crime, regardless of whether or not they choose to pursue legal action. Victim advocates can assist in the following ways:

- Provide accompaniment filing criminal charges with the University Police Department (UPD), Gainesville Police Department (GPD) or other law enforcement agencies
- File conduct charges if the person who harmed you is a student
- Serve as your advisor or support person during any proceedings or meetings you have with any university official while addressing this matter
- Provide accompaniment in obtaining appropriate restraining orders, orders for injunction, orders for protection or campus no-contact orders
- Find another living arrangement for you if you feel unsafe in your current living situation, if available
- Academic accommodations, including changing class or other accommodations, as appropriate
- Make transportation changes to help ensure safety
• Explore work accommodations where necessary
• Provide referrals to appropriate resources available on and off campus

OPTIONS FOR REPORTING
Reporting an incident to the Deputy Title IX Coordinator for Students, the Deputy Title IX Coordinator for Faculty and Staff or the University Title IX Coordinator does not preclude you from reporting the incident to law enforcement. If the incident occurred on campus, you can report the incident to UPD. If the incident occurred off campus, you can report the incident to GPD or the Alachua County Sheriff’s Office (ACSO). Your victim advocate can work with you and assist you with this process. If you choose to go to the hospital or UF Student Health Care Center for a forensic exam, that evidence can be used and may be helpful in a student conduct hearing or employee disciplinary process. This evidence should be preserved.

At some point, if you wish to pursue action against the individual that harmed you, please remember the physical evidence collected in an early forensic exam can greatly aid in a later investigation. It is advisable that you talk to law enforcement about evidence collection as soon as possible. Another option is a non-reporting forensic exam, which preserves evidence until or if you decide to report. To best preserve evidence, do not shower, douche, urinate, defecate, smoke, brush your teeth, eat or drink until the forensic exam is complete.

You may choose to report to no one or you may choose to report anonymously. Please be aware that if a victim requests that his or her name not be revealed to the alleged perpetrator or asks the university not to investigate or seek action against the alleged perpetrator, this limits the university’s ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. If the victim continues to request that his or
her name not be disclosed to the alleged perpetrator or that the school not investigate or seek action against the alleged perpetrator, the university will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students and employees, including the victim who reported the sexual violence. This determination may be made by the Deputy Title IX Coordinator for Students or Deputy Title IX Coordinator for Employees & Faculty (as appropriate) and the University Title IX Coordinator.

The university promotes an environment free of retaliation. If you experience any retaliation for reporting this incident to the university, serious consequences may be imposed on the individual(s) responsible for the retaliation—including suspension, expulsion, discipline or termination.

The university will protect the confidentiality of victims, including how publicly available record-keeping will be accomplished without the inclusion of identifying information about the victim, to the extent permitted by law.

**WHEN THE ACCUSED IS A STUDENT**

**Victim Rights**

- To be informed of the available resolution options under the Student Conduct Code
- To be treated with dignity and respect
- To be informed of campus resources to assist in working through the situation
- To be kept informed of the status of the case throughout the process upon request
- To have an advisor present during the hearing to support him or her through the conduct process; this person can be a victim advocate, attorney, friend, faculty member or family member. This advisor may
not address the witnesses, accused student, committee or any other party

- To have a support person present during the hearing to play no role other than as emotional support to the alleged victim
- To be able to participate in the hearing from another room or with a divider screen between the alleged victim and the accused student
- To submit potential questions to the hearing chair prior to and during the hearing
- To submit a written impact statement to be considered by the committee before sanctions are determined if the accused is determined responsible for violating the Student Conduct Code
- To have unrelated sexual behavior excluded from the hearing
- To remain present throughout the remainder of the hearing. The alleged victim may provide testimony to the chairperson of the hearing or the hearing officer from a separate room, as long as it does not infringe upon the accused student’s right to question the witness
- To ask relevant questions of witnesses who give statements during the hearing
- To appeal the decision of the hearing body under the same standards the accused can appeal

Overview of the Student Conduct Process
The Student Conduct Process is not a legal process. It is an educational, administrative process; thus, criminal rules of procedures are not followed. The goal of the process is to provide all relevant information so the hearing authority can make an appropriate decision.

- In order to initiate the conduct process, the alleged victim should provide a detailed written statement of the incident to the Deputy Title IX Coordinator
for Students, Chris Loschiavo, Associate Dean for Students and Director of Student Conduct and Conflict Resolution (SCCR), at (352) 392-1261. Please note that the accused student will have the opportunity to review this statement at an informational meeting.

- A SCCR staff member may meet with you and review your statement to decide if further information is necessary. Once you file a written statement with SCCR, the report will be reviewed to determine what, if any, charges are appropriate. Once appropriate charges are determined, an email charge letter will be forwarded to the accused student informing the accused of the charges and to schedule an informational meeting in 5-10 class days. SCCR will notify the alleged victim once this charge email is sent.

- At the informational meeting, the accused student will be informed of accused rights and have an opportunity to review whatever information SCCR has associated
with the incident, including any statements the alleged victim has provided. The accused student will have a few days to decide which type of hearing is desired: (1) an administrative review (often not available in these kinds of cases), (2) an administrative hearing or (3) a hearing with the Student Conduct Committee:

1. Administrative Review – SCCR staff may contact other individuals who have knowledge about the incident that led to the student conduct charges, but there is no ability for the accused to question and/or hear the statements of any witnesses. The accused student also agrees to waive the right to present information (other than own statements) or witnesses. This usually takes place immediately after the informational meeting and is only available when the accused is accepting responsibility for the violation(s) and when suspension or expulsions are not available sanctions. (Note: This option is not always available.)
2. Administrative Hearing – An SCCR staff member serves as hearing officer and conducts the hearing, which involves the presentation of information by the alleged victim and participating witnesses. The accused student and alleged victim will have the opportunity to question each witness. Accused students and alleged victims are given the opportunity to present information, including calling witnesses who have information directly related to the charges. This hearing will typically be scheduled a minimum of 10 business days following the informational meeting with the accused student. Administrative hearings are audio-recorded for appeal purposes. SCCR staff members receive ongoing training on issues related to conducting investigations and hearings, domestic violence, dating violence, sexual misconduct, stalking, harassment and other relationship violence including the cycle of violence, victimization, rape myths, and the use of alcohol and drugs in perpetrating these offenses, as well as other relevant training. The SCCR staff member will make the decision in the case with any appeal directed to the Dean of Students.

3. Student Conduct Committee Hearing – This committee comprises five to seven members, including undergraduate students, faculty and/or staff panel members. These committee hearings involve the presentation of information by the alleged victim and participating witnesses. The accused student and alleged victim will have the opportunity to question each witness through a chairperson. Accused students and alleged victims are given the opportunity to present information, including calling witnesses who have information directly related to the charges. This hearing will typically be scheduled a minimum of 10 business days following the informational meeting with
the accused student. These hearings are audio-recorded for appeal purposes. The Student Conduct Committee will make a recommendation to the Dean of Students. Both the accused student and the alleged victim are able to appeal the decision of the hearing body within ten days of being notified of the final decision. Written appeals must be submitted to the appropriate administrator listed above. Once one party (accused student or alleged victim) files an appeal, that appeal will be shared with the other party, and the accused student or alleged victim will have 10 days from that notification to file his or her own appeal or response to the appeal. The committee also receives ongoing training on issues related to conducting investigations and hearings, domestic violence, dating violence, sexual misconduct, stalking, harassment and other relationship violence including the cycle of violence, victimization, rape myths, and the use of alcohol and drugs in perpetrating these offenses, as well as other relevant training. The decision of the Dean can be appealed to the Assistant Vice President of Student Affairs.

Student Conduct Committee members complete annual training. Additionally, student members of the committee must complete a one-semester, three-credit training class before they may begin to hear cases.

The University Title IX Coordinator, Elnora Mitchell, who may be reached at (352) 392-2477, is kept abreast of allegations and pending investigations by the Deputy Title IX Coordinator for Students. Interim protective actions as well as remedies will be considered and reviewed as needed. An investigation includes interviews with the alleged victim, the accused, witnesses, documents, etc. The preponderance of the evidence standard is used during this investigation process. In order to be found
responsible for violation of university policy as it relates to sexual harassment, sexual assault, dating violence, domestic violence or stalking, the greater weight of the evidence must support a finding of responsibility. This is a much lower standard than the “beyond a reasonable doubt” standard used in the criminal justice system, but still must tip the scales at least slightly in favor of responsibility in order for someone to be held accountable and face consequences.

**Time-frame of the Student Conduct Process**

Once the alleged victim has provided a written statement to SCCR, a decision on either charging the accused student, or pursuing further investigation, will be made within two business days in most cases. Informational meetings are typically scheduled with the accused student within 10 business days, once the decision to charge is made.

- The decision on the hearing type is typically determined within five days of the informational meeting.
- If criminal charges are pending, either party may request a 30 business day delay in the conduct proceeding to allow for the criminal case to move closer to resolution.
- Once a hearing option has been chosen, a hearing will be scheduled as soon as possible, but not sooner than a minimum of 10 business days from this date. Hearings are scheduled based on availability of relevant parties, including the accused student, alleged victim, witnesses, hearing officers and/or committee members.
- The accused student and alleged victim must submit all evidence and a list of witnesses, if any, to SCCR at least eight business days prior to the hearing. The sooner the information is provided, however, the better. The list of witnesses should be accompanied by a brief description of what testimony the witnesses can provide. SCCR staff will determine the relevance of all information and witnesses submitted. Character witnesses are not able to present information during a hearing, but they may
submit a written statement. The accused student and/or alleged victim may review this information, upon request, prior to the hearing.

- After the final decision is rendered, each party has 10 business days to file a formal appeal. Once one party files an appeal, that appeal will be shared with the other party and he or she will have 10 business days from that notification to file an appeal or response to the appeal.

- Generally, appeal decisions will be made within 10 business days of receipt by the appellate officer.

- SCCR strives to resolve cases in a fair and impartial investigation within 60 business days of confirming your willingness to participate in the hearing process, unless a 30 business day delay is granted for either party, or if the incident is reported at the end of a semester near a break period.

- SCCR strives to contact you within 24 hours of any message you leave with the office. If you don’t hear from SCCR, it is likely there are no new developments in your case. Please be patient; you will be updated any time new information becomes available.

If the hearing authority determines an accused individual is not responsible, this does not mean the event you reported didn’t happen or that you weren’t believed. It simply means the hearing authority did not find the weight of the evidence was present to hold the student responsible for violating the Student Conduct Code. If this is the outcome of your case, please speak to a victim advocate or SCCR staff about other ways to provide a safe environment for you. They are able to make housing and academic accommodations for you.

For more details about the student conduct process, please refer to: https://www.dso.ufl.edu/sccr.
WHEN THE ACCUSED IS AN EMPLOYEE

Victim Rights

- To be informed of the available resolution options under Employee Relations and associated union contracts
- To be treated with dignity and respect
- To be informed of campus resources to assist in working through the situation
- To be kept informed of the status of the case throughout the process upon request

Overview of the Complaint Process

In order to initiate the sexual misconduct complaint process against an employee, the alleged victim should provide a verbal statement or a detailed written statement of the incident to the Deputy Title IX Coordinator for Faculty and Staff, John Rouse, who may be reached at (352) 392-1072. The formal complaint form is located at: http://hr.ufl.edu/wp-content/uploads/forms/eeo/complaint.pdf.

- If the alleged victim does not wish to pursue the matter, an investigation of allegations may be needed if circumstances warrant a formal investigation despite the alleged victim’s preferences.
- An investigation includes interviews with the alleged victim, the accused employee and witnesses, as well as a review of documents, etc.
- The preponderance of the evidence standard is used during this investigation process. In order to be found responsible for violation of university policy as it relates to sexual harassment, sexual assault, dating violence, domestic violence or stalking, the greater weight of the evidence must support a finding of responsibility. This is a much lower standard than the “beyond a reasonable doubt” standard used in the criminal justice system, but the scales must still tip at least slightly in
favor of responsibility in order for someone to be held accountable and face consequences.

• The Deputy Title IX Coordinator for Faculty and Staff strives to contact victims within 24 hours of any message left with the office.

The Deputy Title IX Coordinator for Faculty and Staff receives ongoing training on issues related to conducting investigations, domestic violence, dating violence, sexual misconduct, stalking, harassment and other relationship violence including the cycle of violence, victimization, rape myths, the use of alcohol and drugs in perpetrating these offenses as well as other relevant training.

The University Title IX Coordinator, Elnora Mitchell, may be reached at (352) 392-2477, and is kept abreast of allegations and pending investigations by the Deputy Title IX Coordinator for Faculty and Staff. Interim protective actions will be considered and reviewed as needed. The University Title IX Coordinator receives ongoing training on issues related to conducting investigations, domestic violence, dating violence, sexual misconduct, stalking, harassment and other relationship violence including the cycle of violence, victimization, rape myths, the use of alcohol and drugs in perpetrating these offenses, as well as other relevant training.

Time-frame of the Employee Process
The Deputy Title IX Coordinator for Faculty and Staff strives to complete all employee investigations in a fair, prompt and impartial manner within 60 business days unless a 30-day postponement is granted for either party. Notice of the final report will be provided to the alleged victim and accused employee simultaneously. Both parties will receive notification of the right to appeal the decision.