

Guidelines for the Prevention of Sex Discrimination, Sexual Harassment and Harassment

Prevent Recognize Report

The University of Florida has zero tolerance for discrimination or harassment, sexual harassment, sexual assault, dating violence, domestic violence or stalking.

www.hr.ufl.edu/prevent

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University of Florida Regulations

General Policy Guidelines

The University of Florida is committed to maintaining a workplace and educational environment free from sexual violence, sexual harassment and other forms of harassment.

- Sexual and other harassment is unacceptable, subverts the mission of the University of Florida and will not be tolerated. It can significantly and negatively impact the careers of employees and the educational experience of our students.

The purpose of this policy is to prevent sexual violence and sexual harassment as well as to offer employees who believe they have been victims of sexual violence or have been sexually harassed a means of redress and an environment conducive to learning and working.

Retaliation against an individual who truthfully complains about or who cooperates with an investigation of a complaint of sexual violence or sexual harassment will not be tolerated.

- Additionally, substantiated allegations will be referred to the appropriate office for action. This policy applies to visitors, vendors, faculty, staff, students and volunteers of the University.

Reporting Requirements

All University of Florida employees are encouraged to forward any reports of known or suspected unwanted conduct of a sexual nature to the appropriate University Title IX personnel. All University supervisors are considered to be responsible persons and required to forward any reports of known or suspected unwanted conduct of a sexual nature to the appropriate University Title IX personnel.

Sexual Violence

Sexual violence and sexual misconduct are forms of sex discrimination.

- Sexual violence and sexual misconduct are physical acts perpetrated against a person's will or in which a person is incapable of giving consent.
- Sexual misconduct may include sexual violence, sexual exploitation and/or non-consensual sexual contact.
- Sexual violence includes rape, sexual assault, sexual battery and sexual coercion.

Sexual Harassment

Sexual harassment is a form of sex discrimination and is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal and physical acts of a sexual nature.

Types of Sexual Harassment

Quid Pro Quo sexual harassment assumes a power differential and occurs when an employee or student is subject to unwelcome sexual behavior or advances and submission is made a condition of offering, hiring, advancement, admission, evaluation or employment in the work setting.

Hostile Environment sexual harassment may occur when unwelcome sexual behavior unreasonably interferes with an individual's job performance or creates an intimidating, hostile or offensive work or academic environment. The number of times a behavior occurs before it is considered to be creating a Hostile Environment depends on the severity of the behavior.

Examples of sexual harassment may include, but are not limited to:

- Direct unwanted propositions of a sexual nature and/or pressure for sexual activity that is unwelcome and unreasonably interferes with a person's employment
- Direct or implied threats that submission to sexual advances will be a condition of employment, promotion, work status or advancement in grades, letters of recommendation, scholarships or any related matter
- A pattern of conduct that has the intention or effect of humiliating another, which may include but is not limited to the following: comments of a sexual nature; sexually explicit statements, questions, innuendos, anecdotes, jokes, pictures or other written materials of a sexual nature; invasive use of technology, unwanted touching, petting, kissing, hugging or brushing against another's body; remarks of a sexual nature about a person's clothing or body; or remarks about sexual activity or speculations about sexual experiences

Harassment and Bullying

Harassment is the creation of a hostile or intimidating environment in which verbal, nonverbal or physical conduct is so severe and/or pervasive that it is likely to interfere significantly with someone's work, education or on-campus living conditions. Harassment includes stalking, dating violence and domestic violence.

Examples of harassment may include, but are not limited to:

- Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, ethnicity, national origin, sex, sexual orientation, gender identity, age, disability, marital status or veteran status

- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, ethnicity, national origin, sex, sexual orientation, age, disability, marital status or veteran status and that is accessed and/or displayed on University equipment

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others, or
- Suffer substantial emotional distress

Examples of stalking may include, but are not limited to:

- Repeatedly making in-person contact with a person despite that person making it clear he or she does not want to be around you
- Contacting persons via phone, text, email, social media or other electronic means despite being told not to make any further contact
- Asking friends or other parties to contact persons who don't want to have any further contact
- Cyber bullying
- Cyber stalking

Dating violence is 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 following factors:

- The length of the relationship
- The type of the relationship
- The frequency of the interaction between the individuals involved

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim may share a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or roommate, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Florida.

Examples of dating and domestic violence include, but are not limited to:

- Any sexual misconduct, harassment, sexual harassment, stalking or other violence perpetrated against someone you are or have been dating
- Any sexual misconduct, harassment, sexual harassment, stalking or other violence perpetrated against someone you are or were married to or have had a cohabitating relationship

General Procedures

Anyone who believes that he or she has experienced any of the above described behaviors or related retaliation is strongly encouraged to promptly report such behavior to the Office of Employee Relations, the Title IX Coordinator, the Deputy Title IX Coordinator for Students, the Office of Student Conduct and Conflict Resolution (if the offender is a student), or any University official, administrator or supervisor. Contact information may be found on pages 11 and 12 of this pamphlet. Reports of sexual violence should be made directly to the University Police Department at (352) 392-1111.

Except for student-on-student sexual violence and sexual harassment, students are strongly encouraged to report such incidents to the Deputy Title IX Coordinator for Employees.

- Student-on-student sexual violence and sexual harassment incident reports should be

directed to the Deputy Title IX Coordinator for Students, Office of Student Conduct and Conflict Resolution.

- Criminal sexual violence/sexual assault should be reported to the University Police Department.

Incidents should be reported as soon as possible after the time of the occurrence in order to take appropriate remedial action.

- No employee or student should assume an official of the University knows about a situation or incident.

Any University supervisors who have knowledge of or receive a written or oral report or complaint of a violation of this policy must promptly report it to the Title IX Coordinator, Employee Relations or any Deputy Title IX Coordinator, and may be disciplined for failing to do so.

Investigatory Process

If the incident involves a student engaging in inappropriate behavior, please visit:

www.dso.ufl.edu/sccr/process. The Student Conduct and Conflict Resolution office will investigate violations involving student-on-student violations.

The Employee Relations office will investigate complaints of violations involving faculty and staff engaging in inappropriate behavior under this policy. The following procedures will be followed:

A complaint alleging a violation of this policy may be submitted verbally or in writing using the UF Complaint Form available at:

www.hr.ufl.edu/wp-content/uploads/forms/eeo/complaint.pdf or by providing a written statement that contains the following information:

1. Name and UFID of the complainant(s)
2. Contact information, including address and telephone number

3. Name(s) of person(s) directly responsible for alleged violation(s)
4. Date(s) and place(s) of alleged violation(s)
5. Nature of alleged violation(s), as defined in this policy
6. Detailed description of the specific conduct that is the basis of alleged violation(s)
7. Copies of documents pertaining to the alleged violation(s)
8. Name(s) of any witnesses to alleged violation(s)
9. Action requested to resolve the situation
10. Complainant's signature and date of filing
11. Any other relevant information

Although complaints may also be submitted anonymously, such complaints are more difficult to investigate because of the unique challenges they present in obtaining sufficient information to allow the University to take remedial action.

The Employee Relations office will make every effort to complete the investigation and produce a report within 60 calendar days of receiving notice of allegations. A detailed listing of these procedures may be found online at www.hr.ufl.edu/prevent.

A complainant's failure to cooperate with an investigation in a timely manner may negate the University's obligation to continue with the investigation and prevent the University from taking prompt remedial actions. Failure of employee respondents and witnesses to cooperate in the investigation may result in discipline.

Based on the investigatory findings, University officials will take remedial action as appropriate. The Title IX Coordinator may follow up to ensure that any remedial or disciplinary actions were effective.

Confidentiality

The University recognizes that confidentiality is important and will attempt to protect the confidentiality of sexual violence or sexual harassment proceedings to the extent reasonably possible and permitted by law.

- All participants in the process (including the complainant, respondent and witnesses) are expected to respect the confidentiality of the proceedings and circumstances giving rise to the complaint.
- Participants are expected to discuss the matter only with those persons who have a genuine need to know and to respect the privacy of the individuals involved.

Retaliation

University policy prohibits retaliation against an individual for reporting sex discrimination, sexual violence or sexual harassment; harassment; or any other policy violations noted in this brochure.

- A student, faculty or staff member who retaliates in any way because an individual has brought a complaint pursuant to this policy or participated in an investigation of such a complaint is subject to disciplinary action up to and including dismissal or expulsion from the University.

Retaliation charges should be reported to the Title IX Coordinator.

Victim Appeal Rights

Respondents have the right to appeal decisions in their case. Victims are afforded opportunities to appeal as well. The process is dependent on the classification of the respondent as TEAMS, USPS, or Faculty. Exact details and procedures are available from Title IX investigators and support staff.

False Complaints and Duty to Cooperate

Knowingly filing a false complaint, providing false statements or failing to cooperate in the investigation is prohibited and may lead to disciplinary action.

Conflict of Interest

Participation of a supervisor, faculty member, advisor or coach in a consensual romantic or sexual relationship with a subordinate employee or student always creates a prohibited conflict of interest that must be reported to the appropriate authority for proper disposition. A conflict of interest is created when an individual evaluates, supervises or has decision-making power affecting another individual with whom he or she has an amorous or sexual relationship. Moreover, such relationships, even when consensual, may be exploitative and imperil the integrity of the work or education environment.

- Conflicts of interest may arise in connection with consensual romantic and/or sexual relationships between faculty or other instructional staff and students or between supervisors and subordinates or among peers.
- Although conflict of interest issues can be resolved, in a consensual romantic and/or sexual relationship involving power differential, the potential for serious consequences remains. Individuals entering into such relationships must recognize that:
 - The reasons for entering such a relationship may be a function of the power differential;
 - The individual with the power in the relationship will bear the burden of accountability; and
 - Such a relationship, whether in a class or work situation, may affect the educational or employment environment for others by creating an appearance of improper, unprofessional or discriminatory conduct.

Training

The University provides online harassment prevention training to promote and increase awareness and prevention of harassment.

- New employees are required to complete the tutorial within the first 30 days of employment. Faculty and staff are then expected to retake this training every two years. “Preventing Harassment” training may be accessed by logging into the myTraining system through mytraining.hr.ufl.edu and signing up for “Preventing Harassment,” course number GET802.
- This important online training includes information about the University’s Sexual Harassment Policy and Title IX, as well as our roles and responsibilities for keeping our workplace free from sexual harassment.
- Students can access the student version of online training to promote and increase awareness and prevention of harassment at www.campusclarity.com.

Policy Dissemination

Please visit the www.hr.ufl.edu/prevent website for help, resources and policy information. Persons needing copies of the guidelines may contact the Title IX Coordinator at (352) 392-2477.

Employees deemed Title IX Responsible Persons are required to complete additional training to ensure a thorough understanding of reporting obligation. This training can be accessed by logging into the myTraining system through mytraining.hr.ufl.edu and signing up for course number GET804.

Contact Us

Campus Resources

University Police Department
(352) 392-1111
www.police.ufl.edu

Human Resource Services
Employee Relations Office
(352) 392-1072
www.hr.ufl.edu/manager-resources/employee-relations

Vice President for Human Resource Services
(352) 392-1075

Student Conduct and Conflict Resolution
(352) 392-1261 x 207
www.dso.ufl.edu/sccr

Confidential Campus Resources

College of Medicine
(Faculty, Fellows, Housestaff and Post-Docs)
(352) 392-9000

College of Medicine (Students)
(352) 273-8383

Counseling and Wellness Center
(352) 392-1575
www.counseling.ufl.edu/cwc

Employee Assistance Program (EAP)
(352) 392-5787
www.eap.ufl.edu

Office of Victim Services
(352) 392-5648
www.police.ufl.edu/victim-services

Title IX Resources

Title IX Coordinator

Melissa Nunn
903 West University Avenue
(352) 392-2477
eeo@ufl.edu
www.hr.ufl.edu/prevent

Deputy Title IX Coordinators

Students

Christopher Loschiavo
(352) 392-1261
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