Provisions for Responding to Incidents Involving Acts of Violence

The University of Central Florida strongly encourages individuals to report any acts of violence including, harassment, sexual violence, relationship violence, physical harm and stalking to appropriate university or law enforcement officials. The Office of Student Rights and Responsibilities is responsible for educating students about their rights and responsibilities as students at the University of Central Florida. The Office of Student Rights and Responsibilities is available to assist students who are victims of crime or violations of the Rules of Conduct which are committed by University of Central Florida students. The office can also provide educational programs on related topics and refer individuals who are victims of crimes to campus support services. The Office of Student Rights and Responsibilities is also concerned with the well-being and rights of students who are victims in the university community.

Reporting Options:
Reports of sexual misconduct or sexual harassment (including sexual violence) by a UCF student or UCF student organization may be filed through the University’s student conduct review process (Office of Student Conduct www.osc.sdes.ucf.edu) or through the University’s Equal Opportunity & Affirmative Action Office http://www.eeo.ucf.edu/ in addition to or aside from pursuing criminal charges. Reports of all other abusive conduct by a UCF student may be filed with the Office of Student Conduct (www.osc.sdes.ucf.edu) in addition to or aside from pursuing criminal charges.

Any University of Central Florida student who has been harassed, sexual assaulted, physically harmed or stalked is strongly encouraged to contact the local police department (University of Central Florida Police Department www.police.ucf.edu, Orange County Sheriff’s Office http://www.ocso.com/, Seminole County Sheriff’s Office http://www.seminolesheriff.org/, City of Orlando Police Department http://www.cityoforlando.net/police/) or other local law enforcement authorities where such harassment, assault, stalking, and/or harm occurred.

Resources:
UCF recognizes the importance of offering assistance and support for individuals who feel they are a victim of a violent act committed by a student or student organization of the University of Central Florida. Individuals are also highly encouraged to contact the University’s Counseling and Psychological Services (CAPS http://caps.sdes.ucf.edu/), the University Health Center
Student Care Services (http://scs.sdes.ucf.edu and www.ucfcare.com) or the University Victim Services office (http://victimservices.ucf.edu/) for any counseling, health care or other advocacy services.

**Interim Measures:**

Upon the University’s receipt of a report of harassment, sexual misconduct, relationship violence, physical harm or stalking, the University will impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved. The University will maintain consistent contact with the parties to ensure that all safety, emotional, and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the victim or the University.

The University, at its discretion, will implement interim measures for individuals involved including but not limited to:

(a) issuing a no contact order  
(b) access to counseling services and assistance in setting up an initial appointment  
(c) providing alternative course completion options  
(d) assistance from University support staff in completing housing relocation  
(e) providing an escort to ensure safe movement between classes and activities

If the Director of the Office of Student Rights and Responsibilities or designee, upon notifying the Vice President of Student Development and Enrollment Services decides at any point that the well-being of a student or of any member of the University community is at stake, an interim suspension may be imposed on a student or student organization who is suspected of violating the Rules of Conduct or Organizational Rules of Conduct as outlined in the Golden Rule [section UCF-5.009 (1) (a), UCF-5.013 (1)(a)].

**Conduct Process:**

The University has an obligation under Title IX to investigate reports of sexual misconduct and harassment (including sexual violence) and take prompt and appropriate action. If a victim does not wish to come forward, it will limit the University’s ability to take action. For reports received regarding cases of sexual misconduct and harassment (including sexual violence) against students or student organizations, the Deputy Title IX Coordinator within Student
Development and Enrollment Services assists in conducting an investigation, recommending corrective action and serving as a point of contact to direct students to appropriate campus and community resources.

Victims may choose whether or not to pursue any action through the University student conduct review process. Victims who do choose to pursue the University student conduct review process may choose how to proceed within the student conduct review process. If a victim of sexual misconduct or harassment (including sexual violence) requests confidentiality or asks that the matter not be pursued, the University will determine whether or not the matter will be pursued by means of the student conduct review process within a reasonable time frame from the receipt of the incident report. The University may proceed with conduct action without the victim’s consent if the alleged behavior renders others in reasonable fear of physical harm or creates a hostile environment in which others are unable to conduct or participate in University work, education, research or other activities, or otherwise adversely affects the accused student's or student organization’s suitability as a part of the University community. If the decision is made to proceed, the charged student and/or charged student organization and the victim will be notified of alleged charges and each provided an appointment date to discuss the matter with the Office of Student Conduct. At that point, the victim can choose whether he or she will participate or not in the University student conduct review process (See UCF 5.009 and 5.013 for information regarding the Student Conduct Review Process.)

To encourage reporting, any individual (including a bystander or third party) who reports sexual misconduct or harassment (including sexual violence) will not be subject to disciplinary action by the University for one’s own personal use of alcohol or other drugs at or near the time of the incident provided that any such violations did not harm or place the health or safety of any other person at risk. The University may offer support, resources, and educational counseling to such an individual.

The university will provide due process to students or student organizations accused of harassment, sexual violence, relationship violence, physical harm and stalking. (See UCF 5.009 and UCF 5.013 for more information regarding the student conduct review processes for students and student organizations.)
Accommodations in Student Conduct Hearings:

Individuals who feel they are a victim of harassment, sexual violence, relationship violence, physical harm and stalking whose cases are handled by the Office of Student Conduct in a formal administrative or panel hearing have certain rights in the student conduct review process as listed below should they choose to participate in the process. Administrative and panel hearing officers who hear cases of sexual violence, harassment, relationship violence, physical harm and stalking cases receive annual training on how to conduct fair and impartial hearings for these types of cases. The following provisions are designed to provide a fair process for both parties while also ensuring victims protections under Title IX (http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html) and the Campus SaVE Act (http://campussaveact.org/). The University shall provide notice of these rights to the victim at least 5 business days before a formal disciplinary hearing is conducted through the University student conduct review process. Victim rights include the following:

(a) A victim may have a person of her or his choice accompany her or him throughout the Student Conduct Review process. This person will act as a support person or advisor but will not represent the victim or address witnesses, accused student, accused student organization, panel, administrator or any other party or otherwise directly participate in the hearing. A victim shall be notified of the available assistance at the University of Central Florida.

(b) A victim will be afforded similar and timely access to any information that will be used during the Student Conduct Review Process.

(c) A victim will receive notice to attend a preliminary conference meeting with the Office of Student Conduct and be informed of the available resolution options in the Student Conduct Review Process.

(d) A victim may submit a list of questions related to the alleged incident, prior to the hearing, that she or he feels the charged student or charged student organization should be asked during the hearing process.

(e) A victim will have an opportunity equal to that of the charged student or charged student organization to present relevant witnesses and other information during the Student Conduct Review Process.
(f) A victim may not have her or his irrelevant past conduct, including sexual history, discussed during the hearing. The issue of relevancy shall be determined by the hearing panel or the hearing officer.

(g) A victim will be provided access to participate, view and hear the entire formal hearing whether in person, via videoconference or telephone or by other means available.

(h) A victim will not be questioned directly by the charged student or charged student organization during the Student Conduct Review Process. All questions shall be asked through a hearing officer.

(i) A victim may make a “victim impact statement” and suggest an appropriate disciplinary sanction: warning, probation, suspension, or expulsion (see section 5.009 (5) for more information regarding disciplinary sanctions for students, see section 5.013 (5) for more information regarding student organization disciplinary sanctions) to include appropriate compensations if the charged student or charged student organization is found to have been in violation of the Rules of Conduct or the Organizational Rules of Conduct.

(j) A victim and the charged student or charged student organization will be informed of the outcome of the student conduct review, any outcomes, and appeal process concurrently in writing. The victim will be informed of the outcome of the hearing and the outcome of any appeal without a commitment to protect the confidentiality of the information, pursuant to the Clery Act Regulations, 34 CFR 668.46(b)(11). The "final outcome" means only the final determination with respect to the alleged offense and any sanction that is imposed against the charged student or student organization. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin shall be treated as the alleged victim for purposes of this paragraph. The university will provide the written determination of the hearing, appeal outcomes, and any changes to the result before it becomes final to the victim.

(k) A victim has the right to appeal the outcome of the Student Conduct Review Process on the basis outlined in the Student Conduct Appeals section UCF-5.010 and 5.013.
A victim will be given periodic status updates throughout the Student Conduct Review Process, which generally takes sixty calendar days following receipt of an incident report.

**Possible Sanctions:**

Any student or student organization found in violation of the Rules of Conduct for sexual harassment, stalking, relationship violence, and sexual assault is subject to disciplinary action from UCF including but not limited to disciplinary probation, disciplinary suspension, or disciplinary expulsion. In addition to issuing punitive sanctions, educational requirements such as but not limited to attendance at seminars, workshops, presentations, writing papers, and conducting interviews on what constitutes consent and other relevant topical areas will also be imposed. Any student organization found in violation of the Organizational Rules of Conduct for sexual harassment and/or sexual assault is subject to disciplinary action from UCF including but not limited to organizational probation, organizational suspension, or recommendation of charter revocation. In addition to issuing punitive sanctions, educational requirements such as but not limited to attendance at seminars, workshops, presentations, writing papers, and conducting interviews on what constitutes consent and other relevant topical areas will also be imposed. The standard used to determine responsibility is a preponderance of the evidence, that is, whether it is “more likely than not” that charged student or charged student organization violated University policy. It is also a violation of University policy to engage in any form of retaliation or intimidation in connection with complaints of sexual harassment, stalking, relationship violence and sexual assault. Any such acts of retaliation or intimidation by a UCF student should be reported to the Office of Student Conduct. The same penalties may be imposed for retaliation as for the alleged violence.