

University of Central Florida
Office of Institutional Equity
Discrimination: Descriptions, Prevention
DISCRIMINATION AGAINST STUDENTS BASED ON SEX:
RESPONSES TO SEXUAL VIOLENCE AGAINST A STUDENT

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- I. Summary of guidance regarding responses to sexual violence against a student

The University of Central Florida encourages any student who experiences sexual violence to report it and request appropriate interim measures and remedies. The University will offer services and processes that provide access to the educational program without regard to sex.

The U.S. Department of Education, Office for Civil Rights, issued a “Dear Colleague” letter in April 2011. It contained specific guidance regarding University responses to reports of sexual violence against a student. Most significantly:

- Sexual violence is one type of sexual harassment, which is one type of sex discrimination, which is prohibited by Title IX
- Sexual violence is defined as physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol, intellectual or other disability. Examples: rape, sexual assault, sexual battery, sexual coercion.
- An investigation may find that one student sexually harassed another student to the level that it creates a hostile environment if the conduct is so severe it interferes with the harassed student’s ability to participate in the educational program.
- The more severe the conduct (especially if it is physical), the less need there is to show a series of incidents as proof. A single instance of rape is sufficiently severe to create a hostile environment.
- The University of Central Florida complies with the guidelines to adopt and publish grievance procedures and a notice of non-discrimination.

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UCF has and will continue to train employees regarding proper responses to reports of sexual harassment. UCF has and will continue to implement its commitment to take prompt and effective action to prevent, investigate, stop, and correct effects of discrimination.

- The University prohibits sexual violence occurring off campus, as well as on campus, in accordance with Title IX
- No matter the source of the report, the University is obligated to investigate to the degree possible and take prompt and effective action
- The University may honor the complainant's request that the University release no identifying information. The investigation in that case is likely to be limited.
- Regardless of how much information the complainant authorizes for release, Title IX protects the complainant against retaliation. If the complainant makes a credible report of retaliation, the University must take prompt and effective action to investigate, stop, and correct the conduct.
- A student who has experienced sexual violence may choose to report to law enforcement and participate at some level in the criminal process. This is not a requirement for accessing Title IX rights to a prompt and effective response to a complaint of sexual harassment, including sexual violence.
- The University of Central Florida complies with Title IX as specified by OCR by applying the "preponderance of evidence" standard in investigations of discrimination, that is, "it is more likely than not..." that the evidence supports a specific finding

II. UCF Toolkit: University Responses to a report of sexual violence against a student

This section captures University of Central Florida's regulations, policies, practices, and campus resources for students, faculty, coaches, and administrators involved when a student reports sexual violence that interferes with participation in university educational programs. The University intends for each resource to contribute to a non-discriminatory campus environment that includes prompt and effective corrective action of any unlawful situations, including reports of sexual violence. It discusses the strategies first, then supports the discussion with the regulations and policies.

A. Toolkit: University responses to a report of sexual violence against a student

1. Notice to faculty members, athletic coaches, administrators who receive disclosure that a student has experienced sexual harassment, possibly including sexual violence: the University's practice is to offer the student seven resources.

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- **Affirmation.** The student who discloses is sharing a confidence, perhaps for the first and only time. The University of Central Florida affirms that disclosure by advising responses such as, “I am glad you shared this with me.” “I will do everything I can to help.” “What would you like me to do next?”

The University advises recipients of disclosure to avoid responses such as, “You should try to get over this.” “It is best to get on with your life.” “I understand” (because each situation is unique).

The University prohibits faculty members, athletic coaches, and administrators who receive disclosures of sexual violence from withholding the information. Faculty or staff members and athletics staff members must disclose reports of sexual violence to one of the appropriate action offices: UCF Victim Services, UCF Student Conduct, UCF Police, and OIE. The University must report incidents of sexual violence to maintain compliance with the Clery Act; at the very least, one of the four appropriate action offices must file the Third-Party Report for centralized service provision and record keeping. The action office may omit the victim’s name if requested.

- **Safety.** The goal is to ensure that the student has an opportunity to avoid contact with the alleged perpetrator. The University may need to prohibit contact with the student by the alleged perpetrator. The student may need overnight shelter to avoid a residence hall or apartment where the alleged perpetrator also lives. The University may need to arrange within campus housing to separate the alleged perpetrator from the student. UCF Victim Services can assist.
- **Health services.** The student may need care for physical or mental injuries; testing for sexually transmitted diseases; or reproductive-related care, just as examples. If the student agrees, UCF Health Services can provide such care.
- **Support.** If the student agrees to work with UCF Victim Services, the advocate can utilize various professional resources to assist the student. That might include emergency shelter in town or in another location; food, clothing, and toiletries; a cell phone for emergencies; supportive discussions for planning the immediate and long-term future; or legal interventions, just as examples.
- **Counseling.** The student may need counseling or psychological services, whether the sexual violence was recent or long ago. If the student agrees, UCF Counseling and Psychological Services can provide individual and group counseling. It is available to students at no charge, 24/7.
- **Academic adjustments.** The goal is to ensure that the student has an opportunity to avoid contact with the alleged perpetrator. The student who experiences trauma or who must relocate for some period may need to miss one or more classes.

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The student may request administration of an exam at a location unknown to an alleged perpetrator who attends the same class; completion of the class via online assignments; or a grade of Incomplete with a schedule for making up coursework. If the student agrees to work with an advocate, Victim Services can document the student's request(s) to professors.

- **Criminal or administrative options.** Students may choose one or more:
 - an injunction for protection through the court system
 - a police report with UCF Police or another jurisdiction
 - a report to Student Conduct through the Office of Student Rights and Responsibilities regarding a fellow student's sexually violent behavior

This process calls for consideration of discipline under the Golden Rule of Student Conduct, which prohibits sexual misconduct (including sexual violence). It will proceed independently of any police report or criminal investigation.

 - a Discrimination Grievance with UCF OIE, requesting certain remedies beyond the scope of the student conduct procedure. It will proceed independently of any police report or criminal investigation.
 - a request for compensation as the victim of a crime
 - for disputes other than sexual assault/sexual violence: Mediation Services. UCF Integrity and Ethical Development, through Student Development and Enrollment Services, offers mediation as a positive atmosphere in which to resolve an issue. **The University never uses mediation to resolve issues of sexual assault/sexual violence.**

A student may move from an informal option to a more formal option at any time. Example: the student files a report of discrimination, describing sexual violence, and requests that UCF OIE investigate without disclosing identity and without providing any further remedy. OIE does so and reports to the student. The student chooses to allow disclosure of identity in a formal Discrimination Grievance so OIE may develop additional facts and consider additional remedies and stronger corrective actions.

2. Students may choose to disclose experiences of sexual violence to a faculty member, athletic coach, or other administrator of the University. Disclosure may follow the incident by minutes, weeks, or years in some cases. Individuals employed in positions where students often disclose are responsible for reporting their knowledge of sexual harassment, **including sexual violence**, to UCF Victim Services, or UCF Student Conduct, or UCF Police, or UCF OIE, as appropriate.

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The University follows Clery Act guidelines for reporting sexual crimes against students; any of the four action offices listed above may make Clery-compliant reports without disclosing the identity of the students.

3. **For information and reporting student conduct that violates the rules of the University, including sexual violence:**
 - UCF Victim Services: (407) 823-2425; they can provide referral to Student Conduct
 - Office of Student Conduct, within the Office of Student Rights and Responsibilities: (407) 823-4638
 - UCF Police: (407) 823-5555 or 911 in an emergency; they can provide referral to Student Conduct
 - UCF OIE, for reporting sexual harassment (including sexual violence) severe enough to interfere with access to educational programs: ois@ucf.edu

Students may request confidentiality regarding their identity. The University will provide interim measures to assist them and conduct an investigation using available information. The University's investigation may be limited if the student chooses not to disclose his/her identity or requires that his/her identity remain confidential.

4. **For information about Title IX rights to file a complaint against the alleged perpetrator of sexual harassment, including sexual violence:**
 - UCF OIE, for reporting sexual harassment (including sexual violence) severe enough to interfere with access to educational programs: <http://www.ois.ucf.edu/>
 - Students may request confidentiality regarding their identity. The University will provide interim measures to assist them and conduct an investigation using available information. The University's investigation may be limited if the student chooses not to disclose his/her identity or requires that his/her identity remain confidential.
5. [Victim Services](#) information for individuals impacted by sexual violence, in Campus Security and Fire Safety Guide, 2012:
 - Call the 24/7 hotline at (407) 823-1200
 - Consider filing a police report (recommended but not required)
 - Do not change your clothing
 - Do not wash your body or clothes (saving clothing items or sheets can preserve evidence)
 - Do not alter the scene of the crime

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- Address health concerns as soon as possible
 - Remember that support and assistance are only a phone call away
6. “Tips for Disclosure” – 10 Tips for Working with Students Who Disclose Victimization, from [Victim Services](#)
- Listen
 - Contact an Advocate
 - Be prepared with contact information for the student
 - Be flexible
 - Be realistic about recovery time
 - Understand common reactions
 - Obtain resources
 - Respect confidentiality
 - Address immediate safety concerns
 - Repeat information, ideally by providing written information/instructions to the student for best retention
7. [Information from Victim Services](#): “What Should I Do if Someone Discloses a Victimization To Me?”
- Appreciate the trust the student has shown
 - Assess immediate safety. Offer to contact a Victim Advocate 24/7 at (407) 823-1200.
 - Understand shifts in feelings, from grief, guilt, anger or self-blame to depression or anxiety.
 - Recognize that depression connected with sexual violence may show as class absence, lower-quality assignments or test scores, or delayed realization that they needed resources prior to the end of the semester
 - Substitute helpful phrases for those less helpful: “Your reaction is not an uncommon response” displays more support than “You should get on with your life.”
8. Training program: “UCF’s Steps to Prevent Discrimination, including harassment, 2012-13.” This program is available face-to-face at least twice a year; online registration follows campus-wide email announcements.

Participants may register at any time through [UCF Webcourses](#) for an online training experience covering the same information. Since the system requires a unique University ID, the system then records successful completion on an employee’s Learning Record within PeopleSoft. There are three sections of information, each followed by an interactive quiz. Participants must achieve a score of 80% to access the next section.

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B. Regulations and Policies

Title IX regulations: 34 C.F.R. Sections 106.31 (a) and (b), Non-discrimination on the basis of sex in education programs or activities receiving federal financial assistance:

<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=b1c4bfe5a71fc0bcb154ed2e95f01a09&rqn=div5&view=text&node=34:1.2.1.1.5&idno=34>

1. **UCF Regulation 3.001**, Non-Discrimination; Affirmative Action: <http://www.oie.ucf.edu/documents/NonDiscriminationAffirmativeAction.pdf>
2. **Golden Rule Student Handbook:** <http://goldenrule.sdes.ucf.edu/>. See especially section 5.006 (1)(i) regarding decisions on student conduct.
3. **“Unless There’s Consent”** – sexual assault prevention program required of all new students. This is an online program through Student Development and Enrollment Services. Completion is required before attending the first UCF class. Students must achieve a score of at least 80% to pass, and they have three attempts.

C. Campus resources

1. Advocates and Peer Mentors through Victim Services (there is no requirement to file a police report when using this service): <http://victimservices.ucf.edu/>
2. UCF Police Department: **DIAL 911 for Emergency**, or (407) 823-5555 for other calls: <http://www.police.ucf.edu/>
3. Campus security and fire safety [guide](#) includes guidance from Victim Services for survivors of sexual violence
4. UCF Counseling and Psychological Services, for services that minimize the interruption of education: <http://caps.sdes.ucf.edu/>
5. UCF Health Services, for health care including physical injuries and psychiatric services: <http://shs.sdes.ucf.edu/>
6. UCF OIE, for reporting sexual harassment (including sexual violence) severe enough to interfere with access to educational programs: <http://www.oie.ucf.edu/>
7. UCF Housing and Residence Life, for residence hall residents who wish to personally arrange a change of location: <http://www.housing.ucf.edu/>

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8. Safe Escort Patrol Services (SEPS), for an escort from one campus location to another. Evenings 7PM-1AM Sunday through Thursday. (407) 823-2424. For an escort at any other time, call (407) 823-5555; if available, an office will escort you.
9. Mentors in Violence Prevention, within Student Development and Enrollment Services. <http://whps.sdes.ucf.edu/mentors>
10. Knight S.H.A.R.E.: Students Helping Advocate Resources for Emergencies: <http://www.emergency.ucf.edu/knightshare/sviolence.html>

For additional questions and resources for filing a report, complaint, or discrimination grievance, utilize the following contact information:

OIE@ucf.edu

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81)
Orlando, FL 32816-0030
(407) 823-1336
<http://www.oie.ucf.edu/>

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