

Office of Nondiscrimination & Accommodations Compliance

Non-Title IX Sexual Harassment Investigation & Adjudication Procedures

(1) Investigation:

- (a) When the Office of Nondiscrimination & Accommodations Compliance (ONAC) receives a report of alleged sex discrimination (including sexual assault, sexual exploitation, relationship violence, stalking, sexual harassment or gender-based harassment), aiding and abetting in the commission of any of these acts, or retaliation for reporting or participating in a process related to an investigation of such acts (hereinafter “sex discrimination”) and the Complainant is a UCF student, ONAC will notify Student Care Services or designee, who will contact the Complainant to offer remedial and protective measures, support resources and information on reporting options.
- (b) Where the Respondent is a UCF student or registered student organization, ONAC also will contact the Complainant to share information regarding the University’s investigative process. The University will review all allegations of sex discrimination and determine an appropriate course of action.
- (c) If a Complainant chooses not to participate in an investigation, the matter generally will be closed and no further investigatory steps will be taken except in cases where the Title IX Coordinator determines that an investigation needs to move forward despite the Complainant’s nonparticipation. The Title IX Coordinator will consider the reasons for the nonparticipation, including concerns about continued safety of the Complainant and members of the university community. The University may need to proceed with investigating and adjudicating the case regardless of the Complainant’s wishes in those cases whereby the situation is determined to pose a significant danger to the University community, including but not limited to cases involving significant violence, cases where the University has reason to believe that the Respondent has harmed more than one individual, or cases in which there is deemed to be a threat to the campus community.
- (d) If the Complainant decides to pursue an investigation by the University, ONAC will interview the Complainant about the incident(s) and review relevant documentation provided by Complainant. ONAC will then provide the Complainant with the opportunity to review their interview summary and provide additional information. The Complainant will have three (3) business days to review and provide information related to the interview summary. ONAC will incorporate changes where appropriate.
- (e) Following the Complainant’s substantive interview and review of the evidence provided, ONAC will conduct an initial assessment. ONAC’s initial assessment is guided by state and federal law, and ONAC will credit all allegations as true for the purpose of the analysis. If ONAC determines that the conduct would not violate University nondiscrimination policies even if all the allegations are credited, ONAC will advise the Complainant of its determination and

will not undertake further investigation. If ONAC determines that the alleged conduct may violate University nondiscrimination policies, the investigation will proceed as described below. If ONAC dismisses a matter under this assessment, the University retains the right to review the conduct under other applicable policies or regulations.

(f) The University will notify the Respondent of the investigation in writing. Student Care Services or designee will contact the Respondent to offer interim remedial and protective measures and support resources. The investigator will provide Respondent with information related to the investigation process.

(g) The University will interview the Respondent and witnesses (if applicable), and collect all relevant evidence. ONAC will provide the Respondent and witnesses with the opportunity to review their interview summaries and provide additional information. The Respondent and witnesses will have three (3) business days to review and provide information related to the interview summaries. ONAC will incorporate changes where appropriate. The investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the investigator will not consider statements of personal opinion, rather than direct observations or reasonable inference from the facts, or statements as to any party's general reputation for any character trait. If the Respondent chooses not to participate in a substantive interview with ONAC, ONAC's investigation and process will move forward based on the available evidence in the record.

(h) At the conclusion of the investigation, the investigator will submit an investigative report that summarizes the allegations and evidence and sets forth the investigator's factual findings. The parties will have equal access to review and comment upon the investigative report within three (3) business days of ONAC issuing the report. Parties also may request to review the evidence in the record during that three-day timeframe

("investigative findings report review period").

(i) All evidence and witnesses must be submitted by the Complainant and Respondent no later than the conclusion of the investigative findings report review period prior to the report being sent to the Deputy Title IX Coordinator for Students or designee.

(j) The University will endeavor in good faith to complete its processes within the timelines set forth in #3 below (UCF Timeline of Action Steps Pursuant to Nondiscrimination Policy & Golden Rule Handbook). These timelines may be extended for good cause, which includes but is not limited to: investigations where additional time is necessary to ensure the integrity and completeness of the investigation; to comply with a request by external law enforcement for a temporary delay to gather evidence for a criminal investigation; to accommodate the availability of parties, parties' advisors and/or witnesses; to account for University breaks or vacations; to account for complexities of a case, including the number of witnesses and volume of information provided by the parties; and to implement an accommodation based on disabilities or language

assistance in the investigation process. If the University determines that its process may exceed the applicable timelines set forth in #3 below, the University will advise both the Complainant and Respondent.

(k) At the conclusion of the investigative findings report review period, ONAC will submit the final investigative report and evidence in the record to the Deputy Title IX Coordinator for Students or designee to determine whether there is cause to forward the case to SCAI. If the Deputy Title IX Coordinator for Students or designee determines that there is cause to charge the Respondent with misconduct, then that individual will make a written recommendation, including a copy of ONAC's investigative report and all other supporting information, to SCAI. A finding of "cause" at this stage is not a finding of a violation. SCAI will charge the student and/or registered student organization through the Student Conduct Review Process when there is evidence of facts which reasonably allow the university to conclude that a violation of 5.008(5) or 5.012(5) may have occurred. If the Deputy Title IX Coordinator for Students or designee determines that there is not cause to charge the Respondent, the matter will be dismissed and the parties will be notified of the dismissal.

(2.) Adjudication Process (Student Conduct Review Process):

(a) If the investigative process results in a recommendation to initiate the student conduct review process, at least seven business (7) business days before the formal hearing, the Respondent will receive timely written notice of the charges in sufficient detail to prepare for the formal hearing and the date, time, and location of the formal hearing. In addition to the timely written notice, Complainant and Respondent will be requested to attend a preliminary conference meeting with SCAI and be informed of the available resolution options in the student conduct review process.

(b) At least five (5) business days before any formal hearing, both the Complainant and Respondent will be provided with all known information in the University's possession related to the allegations. This information will include all known witnesses and all known information that is related to the allegations, both inculpatory and exculpatory. Also, at least five (5) business days before the formal hearing, the Complainant may submit a written statement describing the impact of the Prohibited Conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. At least five (5) business days before the formal hearing, the Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanction(s) imposed. SCAI will ensure that the Complainant and the Respondent each have an opportunity to review any statement submitted by the other party before the start of the formal hearing. The purpose of the statement(s) is to assist the hearing officer in proposing a sanction. Therefore, the statement(s) will be given to the hearing body for consideration only if the hearing officer makes a proposed finding of in violation on one or more allegations of sex-based misconduct (other than Title IX sexual harassment) addressed in the formal hearing.

(c) If the matter proceeds to a formal hearing, both the Complainant and Respondent may submit a list of proposed questions related to the alleged incident to be asked during the formal hearing. The relevancy of proposed questions will be determined by the hearing officer. During a formal hearing, all questions shall be asked through the hearing officer. The Complainant and Respondent should not be questioned directly by one another nor by either's advisor; instead, questions for each shall be asked by the hearing officer based on proposed questions submitted by the other party.

(d) Both the Complainant and the Respondent will be provided access to participate, during the entire formal hearing in person, via videoconference, by telephone, or by other means available.

(e) The results of any formal hearing shall be made available to the Complainant and the Respondent within five (5) calendar days following the hearing. Should SCAI need additional time, the deadline can be extended by the Director of SCAI or designee by notifying both the Complainant and the Respondent.

(f) Any student found responsible for a violation of the Code of Conduct for sex discrimination is subject to disciplinary action from the University including but not limited to disciplinary probation, deferred suspension, disciplinary suspension, disciplinary dismissal, or disciplinary expulsion. In addition to issuing punitive sanctions, educational requirements may also be imposed. Any registered student organization found responsible for a violation of the Organizational Code of Conduct for sex discrimination is subject to disciplinary action from the University including but not limited to organizational probation, organizational deferred suspension, organizational suspension, or recommendation of charter revocation. In addition to issuing punitive sanctions to organizations, educational sanctions may also be imposed.

(g) Students and organizations may appeal the outcome of the student conduct review process. For more information, see UCF-5.010 and UCF-5.013.

(3.) UCF Timeline of Action Steps Pursuant to Nondiscrimination Policy & Golden Rule Handbook

Action Step	Responsible Party	Timeline	Cumulative Timeline
		<i>Timelines are subject to extension for good cause and impacts of circumstances not within University's control including but not limited to parties' and witnesses' responsiveness, rescheduling based on parties' and/or attorneys'</i>	<i>Not including appeals</i> <i>Timelines are subject to extension for good cause and impacts of circumstances not within University's control including but not limited to parties' and witnesses'</i>

		<i>schedules, parties' needs for extensions, University closures (I.e. holidays, winter break, hurricane closures), and deadline falls on a weekend</i>	<i>responsiveness, rescheduling based on parties' and/or attorneys' schedules, parties' needs for extensions, University closures (I.e. holidays, winter break, hurricane closures), and deadline falls on a weekend</i>
Receipt of report and issuance of case management email to Remedial Measures Specialist and/or Investigator	Title IX Coordinator or designee	Within 2 days of receipt of incident report	2 calendar days
Remedial measures outreach	Remedial Measures Specialist	Within 3 days of case management email	5 calendar days
Intake meeting with investigator	Title IX Investigator or EEO Investigator	Within 7 days of case management email, unless declined by Complainant, Complainant is nonresponsive to outreach, or Complainant requests later meeting	9 calendar days
Assessment of jurisdiction/action and subsequent issuance: Notice of investigation or Dismissal Memo	Title IX Investigator or EEO Investigator	Within 15 days of receipt of signed formal complaint from Complainant	24 calendar days
Conclusion of investigation and issuance of investigative report	Title IX Investigator or EEO Investigator	Within 105 days of issuance of Notice of Investigation	129 calendar days
Review and response by parties	Complainant(s); Respondent(s); Title IX Investigator	3 days from issuance of investigative report; investigator then issues report and supporting documents to OSRR	132 calendar days
Cause recommendation from OSRR and referral to SCAI	Deputy Title IX Coordinator for Students	6 days from receipt of referral from OIE	138 calendar days

Administrative Hearing	Student Conduct & Academic Integrity	Within 30 days of cause recommendation	168 calendar days
Issuance of outcome letter	Student Conduct & Academic Integrity	Within 5 days of conclusion of the live hearing	173 calendar days

UCF Timeline for Appeals Pursuant to Golden Rule Handbook

Action Step	Responsible Party	Timeline <i>Timelines are subject to extension for good cause</i>
Party Appeal of Adjudication	Complainant(s); Respondent(s)	Within 10 business days of issuance of outcome letter
Adjudication Appeal If one or more parties file an appeal within 10 business days of issuance of the live hearing or administrative hearing outcome letter; adjudication appeal review and issuance of appeal outcome letter	Appellate Officer: Vice President of Student Success and Wellbeing or designee	Within 20 business days of receipt of the appeal(s)