



# Office of Institutional Equity

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## Rights and Options Regarding Investigations into Allegations of Sex Discrimination, Sexual Harassment, and Sex-Based Misconduct *Employee Respondents*

The University of Central Florida is committed to ensuring all students, faculty, and staff can learn, work, and live in a non-discriminatory environment. Accordingly, UCF prohibits sex discrimination, including sexual harassment, gender-based harassment, sexual assault, relationship violence, stalking, and sexual exploitation. The purpose of this document is to advise you of your rights and options as a Respondent under UCF's Nondiscrimination Policy ([2-004](#)), Title IX Grievance Policy ([2-012](#)), and other supporting policies and regulations. Please review these policies for more information on definitions, investigative process, and adjudication.

UCF offers two pathways for addressing sex discrimination, including sexual harassment, sexual misconduct, and related interpersonal violence. The appropriate pathway – either the Nondiscrimination Policy or the Title IX Grievance Policy – is determined by the nature of the allegations. Regardless of which pathway is deemed by the Title IX Coordinator to be appropriate, you are afforded certain rights in the investigation and adjudication process.

### Definitions

**Complainant:** An individual who discloses having been subjected to any prohibited conduct under the Nondiscrimination or Title IX Grievance Policies, regardless of whether that person makes a report or seeks action under these policies.

**Respondent:** An individual who has been accused of violating the Nondiscrimination or Title IX Grievance Policies.

**Investigator:** A UCF staff member who has been trained to investigate sex discrimination, sexual harassment, sexual misconduct, relationship violence, and stalking. The Investigator may be the Title IX Coordinator, Title IX Investigator, EEO Investigator, or OIE Director.

**Title IX Coordinator:** A UCF staff member tasked with ensuring institutional compliance with Title IX of the Education Amendments of 1972 and for coordinating UCF's responses to all complaints involving possible sex discrimination, including sexual misconduct, relationship violence, and stalking.

**Prohibited Conduct:** Under the Nondiscrimination Policy and Title IX Grievance Policy, prohibited conduct includes, but is not limited to sex discrimination, gender-based harassment, sexual harassment, sexual misconduct, relationship violence, sexual exploitation, and stalking.

**Preponderance of the Evidence:** UCF applies the preponderance of the evidence standard during both investigations and adjudications of prohibited conduct. Preponderance of the evidence means that it is more likely than not that a fact is true or that a policy was violated.

### Privacy Notice

Please note that Florida has broad open records laws (**Florida State Statute 119**) and records may be subject to disclosure upon request from the public. In accordance with the **Family Educational Rights and Privacy Act of 1974 (FERPA)**, students' personally identifiable information is redacted prior to any open records disclosure.

A Complainant may request that their identity be kept private and/or that UCF not investigate their allegations. The Title IX Coordinator, or a designated staff member, will evaluate any such request, taking into account the Complainant's desires, UCF's responsibility to provide a safe and nondiscriminatory environment for all students and employees, and other relevant factors. If UCF agrees to either of these requests, UCF's ability to respond fully to the incident, including initiating disciplinary action, may be limited.

Depending on the circumstances, UCF may be obligated under applicable local, state, or federal laws to investigate and/or report these circumstances externally. For example, in cases of child abuse or neglect, OIE is under obligation in the State of Florida to report knowledge of these issues to the Florida Department of Children and Families (DCF).

### **Confidential Resources**

The following UCF resources and services are confidential, meaning that they are not required to report incidents of sex discrimination (including sexual misconduct, relationship violence, or stalking) to law enforcement or OIE:

- [Employee Assistance Program \(EAP\)](#): 877-240-6863 (24/7)
- [University Ombuds Office](#): 407-823-6440

### **Rights**

**Right to File with OIE:** Any individual has the right to file a formal complaint of prohibited conduct with OIE to potentially initiate an internal investigation into the allegations. An individual has the right to request further action at any future time, consistent with UCF policies. The longer the time period lapsed from the time of the incident, the more difficult it will be to obtain information. Investigations are conducted by a trained investigator in a prompt, thorough, fair, and impartial manner.

**Right to File with Law Enforcement:** Any individual has the right to file a report with an appropriate law enforcement jurisdiction regarding a possible crime. An officer may conduct an investigation based on potential criminal activity related to a reported incident. You may choose to consult a private attorney to explore your legal rights in response to allegations against you.

**Right to Access Remedial and Supportive Measures:** A Remedial Measures Specialist or Deputy Title IX Coordinator can meet with you to discuss such measures to assist with your well-being and continued access to your employment. Upon issuance of a notice of investigation letter, a Remedial Measures Specialist or Deputy Title IX Coordinator will automatically contact a Respondent to offer these supports, including, but are not limited to, changes to academic, living, dining, working, and transportation situations. You may also request a mutual no-contact order prohibiting all parties to the complaint from having contact with each other during the investigation. A Remedial Measures Specialist or Deputy Title IX Coordinator also can connect you to off-campus resources.

**Right to an Advisor/Support Person:** You have the right to have an advisor or support person accompany you to any meeting with OIE. The advisor may be present for but may not actively participate in any meeting or investigative interview except as permitted under the Title IX Grievance Policy which is limited to conducting certain cross-examination within the hearing process. Your advisor may be, but is not required to be, an attorney or union representative.

**Right to Request Reasonable Accommodations:** You may request reasonable accommodations based on disability, religion, or pregnancy at any point before or during the initiation of an investigation that do not fundamentally alter the investigative procedures. You must specifically request the accommodations from the Investigator for the investigation, even if you are already receiving accommodations from other university services or resources.

**Right to a Process Free from Unlawful Retaliation:** You have the right to make a good-faith complaint of prohibited conduct you have observed or experience, as well as respond to allegations of misconduct against you. No person may take adverse action against a person for making a good-faith report of prohibited conduct or participating in or being a party to any proceeding pertaining to allegations of prohibited conduct. Retaliation includes threatening, intimidating,

harassing, coercing or any other conduct that would discourage a reasonable person from engaging in the protected activity.

**Right to File an External Complaint:** You have the right to file an external complaint with an applicable state or federal agency. If you wish to request contact information for an applicable external agency, please contact the Office of Institutional Equity.

### Steps in the Process

**Note:** This document is for guidance purposes only.

The full investigative process for complaints under the **Title IX Grievance Policy** is located here:

<https://policies.ucf.edu/documents/2-012.pdf#page=10>.

The full investigative process for complaints under the **Nondiscrimination Policy** is located here:

<https://regulations.ucf.edu/chapter3/documents/3.0134%20Complaints%20Grievances%20Discrim%20FINAL%20Oct22.pdf>

**1. Complainant Remedial and Supportive Measures Outreach:** A remedial measures specialist contacts the Complainant to discuss resources, support, and reporting options.

**2. Complainant Intake and Interview:** The Complainant meets with the Title IX Coordinator, the Director of OIE, a Title IX Investigator or an EEO Investigator (hereinafter referred to as an Investigator) to review their rights and options. The Investigator offers the Complainant the opportunity to provide a statement to OIE and to file a formal complaint. This may occur over two meetings. The Investigator may, if the need arises, request additional interviews with the Complainant. The Complainant may provide the names and contact information for witnesses and/or evidence to the Investigator. The Complainant will have three (3) business days to review and affirm their statement.

**3. Assessments of Jurisdiction and Allegations:** Upon receipt of the Complainant's statement and formal complaint, the Title IX Coordinator or designee will assess the complaint to determine which policy and process apply. If it is determined that OIE has no jurisdiction, or that the complaint cannot be investigated, the Complainant (and Respondent, if applicable) will be notified in writing. If a complaint is dismissed under the [Title IX Grievance Policy](#), the Complainant (or Respondent, if applicable) may appeal the decision to the Vice President for Compliance and Risk or designee in writing within ten (10) business days, citing how the dismissal was procedurally incorrect under the Title IX Final Rule (<http://bit.ly/TitleIXReg>). Complaints dismissed under the Nondiscrimination Policy are not subject to appeal.

**4. Notice of Investigation:** A notice of investigation letter is issued to the Respondent and Complainant. The letter details the nature of the allegations, the name of the Complainant, the date(s) of the alleged misconduct, an outline of the applicable procedures (including notice of which policy and process are utilized), and a notice of nonretaliation. A date is set for the Respondent to meet with the Investigator.

**5. Respondent Remedial and Supportive Measures Outreach:** A remedial measures specialist contacts the Respondent to discuss resources, support, and options.

**6. Respondent Intake and Interview:** The Respondent meets with an Investigator to review their rights and options. The Investigator offers the Respondent the opportunity to provide a statement to OIE. This may occur over two meetings. The Investigator may, if the need arises, request additional interviews with the Respondent. The Respondent may provide the names and contact information for witnesses and/or evidence to the Investigator. The Respondent will have three (3) business days to review and affirm their statement.

**7. Issuance of Investigative Report:** Upon completion of the investigation, the Complainant and Respondent are provided with a copy of the investigative report. The investigative report details the allegations, the disputed and undisputed facts, and the resolution of disputed facts based upon a preponderance of the evidence. If the matter proceeds under the Nondiscrimination Policy, the investigative report also will include a finding as to whether the Respondent violated UCF

policy. The Complainant and Respondent will be notified of their option to file a written response to the investigative report and their option to review the supporting documentation.

**8a. Discipline (Nondiscrimination Policy):** If the Respondent is an *Employee*, the investigative report is provided to the appropriate manager, dean, director, or department head to determine what discipline, if any, to implement. There is no appeal step in OIE's investigative procedures. Employees may have additional grievance rights under other university regulations.

**8b. Adjudication (Title IX Grievance Policy):** Regardless of the outcome of the investigation, all cases investigated under the Title IX Grievance Policy are subject to a live hearing (see [Title IX Grievance Policy](#) starting at paragraph 16). This applies whether the Respondent is a student or employee. The live hearing involves the option of cross-examination conducted by the Complainant's and Respondent's respective advisors. Both the Complainant and Respondent must have an advisor present for the live hearing. If the Complainant and/or Respondent do not have an advisor for the live hearing, one will be appointed to them for the purposes of cross-examination at no cost to the employee or student. The Complainant, Respondent, and Witnesses are not required to participate in the live hearing. Both the Complainant and Respondent will be notified of the outcome of the live hearing and any applicable sanctions, as well as the applicable appeal procedures (see [Title IX Grievance Policy](#) at paragraph 23).

### **Additional Information**

**False or Misleading Information:** University regulations prohibit knowingly making false statements or knowingly submitting false information during the investigation or live hearing.

**Status Updates:** You can request a status update at any point in time. Please understand that investigations take time and that the Investigator may not be able to provide you with frequent updates regarding the status of your case. Nonetheless, Investigators take these matters seriously and understand that the process can cause frustration for the individuals involved.

**Questions or Concerns:** Concerns regarding the investigative process or applicable policies can be directed to UCF's Title IX Coordinator, Dr. Matt Ricke, at [Matt.Ricke@ucf.edu](mailto:Matt.Ricke@ucf.edu) or 407-823-1336 or OIE Director, Nancy Myers, at [Nancy.Myers@ucf.edu](mailto:Nancy.Myers@ucf.edu) or 407-823-1336.

### **Policy Documents**

[Nondiscrimination Policy \(2-004\)](#)

[Title IX Grievance Policy \(2-012\)](#)

[Amorous Relationships Prohibition \(2-014\)](#)

[Reporting Requirements Related to Nondiscrimination \(2-015\)](#)

[Remedial Measures, Prevention, & Education Related to Nondiscrimination \(2-016\)](#)

[Complaints and Grievances Alleging Discrimination, Discriminatory Harassment or Retaliation \(Regulation UCF-3.0134\)](#)

[Golden Rule Student Handbook](#)

[OIE Investigation Procedures](#)

[UCF Employee Code of Conduct](#)