



Number: 0-004
Title: Sexual Misconduct/Sexual Harassment (Including Sexual Violence)
Responsible Office: Title IX Office

Date of Origin: 12-22-11

Date Last Amended: 4-30-20 (technical)

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I. PURPOSE AND INTENT

The University of South Florida (USF) community is most successful when it is based on respect and fair treatment of all people. USF strives to provide a work and study environment for faculty, staff, guests and visitors that is free of discrimination and sexual harassment, including sexual violence. As part of the effort to maintain a safe environment, USF establishes this Policy.

USF prohibits sexual harassment and or sexual misconduct, including sexual violence. Internal or external criminal complaints may be filed. USF has a designated Title IX office where voluntary and mandatory reports and complaints are to be filed. The USF Title IX office will review the report or complaint and provide appropriate response, which may include referrals to services, interim measures, informal resolution, mediation (in limited circumstances), and/or referral for disciplinary action, up to and including termination from employment and/or expulsion from USF.

Pursuant to Title IX, the University does not discriminate on the basis of sex in educational programs or activities that it operates. Any questions or inquiries concerning the application of Title IX may be referred to the University's Title IX Coordinators. Up to date information may be found on the [Title IX website](https://www.usf.edu/diversity/title-ix/) located at <https://www.usf.edu/diversity/title-ix/>.

The Title IX Coordinator is:

Araña Muñoz
USF Title IX Office
4202 E. Fowler Avenue, ALN 172
Tampa, Florida 33620
(813) 974-9901 – arainamuniz@usf.edu

II. STATEMENT OF POLICY

Sexual harassment and sexual misconduct, including sexual violence, by or between any faculty member, staff, vendor, visitor or student, including individuals of the same sex, in all academic, educational, extracurricular, athletic, and other programs of the University, whether those programs take place in University facilities, at a class or training program sponsored by the University at another location, or elsewhere is prohibited.

Examples of prohibited conduct* include, but are not limited to:

1. Requesting or coercing sexual intercourse or sexual favors, or attempting to or actually engaging in a sexual assault or sexual battery.
2. Inappropriate and unwelcome sexual attention or touching, including-but not limited to-leering, patting, fondling, pinching, and attempted or actual kissing.
3. Making actual or implied threats to impede or interfere with employment or educational opportunities or benefits for failing to agree to or engage in sexual activity.
4. Making actual or implied promises of an employment or educational opportunity or benefit in exchange for sexual activity.
5. Inferring or displaying favoritism that benefits or adversely affects another based on sexual involvement or a sexual relationship.
6. Making sexually explicit or suggestive gestures or sounds.
7. Gender-based harassment, which may include acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

*Prohibited conduct does not include verbal expression, written or other material that is relevant and appropriately related to the subject matter of USF course/curriculum or to an employee's duties.

All employees and students are strongly encouraged to cooperate fully with any investigation and/or compliance review conducted under this Policy. Failure to cooperate may impede or hamper the University's ability to conduct a full and fair investigation.

III. DEFINITION OF TERMS

- A. Complaint:** The notice filed by the Victim with the Title IX office or one of the available forums, which initiates the process of review and possible investigation of alleged sexual harassment or sexual misconduct, including sexual violence.
- B. Consent:** An informed, knowing, and voluntary agreement to engage in sexual activity. Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity.

Silence or an absence of resistance alone, without actions evidencing permission, does not imply consent.

1. To give consent, a person must be of legal age.
2. Someone who is incapacitated cannot consent.
3. Assent does not constitute consent if obtained through coercion or from an individual whom the alleged offender knows or reasonably should know is incapacitated.
4. The responsibility of obtaining consent rests with the person initiating sexual activity.
5. Use of alcohol or drugs does not diminish one's responsibility to obtain consent.
6. Consent to engage in sexual activity may be withdrawn at any time. Once withdrawal of consent has been expressed, the sexual activity must cease.
7. Consent is automatically withdrawn by a person who is no longer capable of giving consent.
8. A current or previous consensual dating or sexual relationship between the parties does not, in and of itself, imply consent or preclude a finding of responsibility.
9. Past consent to sexual activity does not imply ongoing future consent to sexual activity with that person.
10. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
11. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used.

C. Coercion: Coercion is the use of express or implied threats, intimidation, physical force, or duress, which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.

D. Employee: Includes, but is not limited to: academic administrators; all faculty; Administration employees; Staff employees; Temporary employees; or any other employee classifications that may be developed by the Florida Board of Governors or University Board of Trustees.

E. Incapacitation: An individual is considered to be incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Someone who has consumed alcohol or intoxicants is not necessarily incapacitated. For instance, individuals who are asleep or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance,

slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.

F. Report: The notice anyone, including a Victim may elect to submit, *or* that Responsible Employees, Supervisory Employees or other persons **are required** to submit to the Title IX Office, upon disclosure by the Victim. There are mandatory reporting requirements set forth below in section IV for persons to file reports of allegations of sexual harassment or sexual misconduct including sexual violence.

G. Responsible Employees: Includes any employee who has the authority to take action to redress harassment, who has the duty to report sexual harassment or other misconduct by students or employees to appropriate school officials or an individual who a student would reasonably believe has this authority or responsibility. Each campus must determine who will be considered a mandatory reporter. USF has identified the following as Responsible Employees*:

1. All Faculty (including Adjunct Faculty) if the Report is from a student or if the incident involves a student
2. All Administration, Staff, and Temporary employees who regularly supervise one or more employees or students
3. All employees in the following departments or organizational units:
 - Campus Police Departments
 - Office of Diversity, Inclusion, and Equal Opportunity, (including Equal Opportunity Liaisons)
 - Office of the General Counsel
 - University Audit & Compliance
 - Student Rights and Responsibilities
4. USF Title IX Coordinator, Deputy Title IX Coordinators & Liaisons, and Title IX Investigators
5. All Athletic Directors, Athletic Coaches, Athletic trainers, and employees in Athletics Compliance
6. Residential Education Employees including the Director of Residential Education, Assistant or Associate Directors, Residence Life Coordinators, Assistant Resident Life Coordinators, and Resident Advisors.
7. Graduate Assistants, Teaching Assistants, and Research Assistants when they are supervising or teaching students.
8. Employees who are advisors to officially-recognized student organizations.

*Questions about whether a particular individual or specific position qualifies as a “Responsible Employee” should be directed to the Title IX Coordinator or Assistant Director of Title IX/Title IX Deputy Coordinator.

H. Sexual Harassment (which includes sexual violence and includes but is not limited to): sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature, including sexual violence, intimate partner violence, and stalking. Sexual harassment also includes unwelcome conduct directed at a person based on the person’s actual or perceived gender or sexual orientation or

gender expression that is so sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the college's educational program and/or activities and also may include or be defined as

1. Quid Pro Quo Harassment: Discriminatory harassment where submission to or rejection of unwelcome conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a university program or activity (e.g., campus housing) or is based on power differentials.

2. Hostile Environment Harassment: Discriminatory harassment that is so severe or pervasive that it unreasonably interferes with, limits, deprives, or alters the terms or conditions of education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a university program or activity (e.g., campus housing), when viewed from both a subjective and objective perspective. A hostile environment can be created by pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. An isolated incident, unless sufficiently serious, does not amount to Hostile Environment Harassment.

Evaluation of whether a hostile environment exists will include consideration of the totality of known circumstances, including, but not limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect on the complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory or other misconduct
- Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or university programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected speech

3. Sexual Exploitation: Attempting or purposely/knowingly taking non-consensual or abusive sexual advantage of another for a person's own advantage or benefit, or to benefit or advantage of anyone other than the one being exploited. Examples of sexual exploitation, include but are not limited to:

- a. Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give affirmative consent to sexual activity;
 - b. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
 - c. Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breast or buttocks) in a place where that person would have a reasonable expectation of privacy);
 - d. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
 - e. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
 - f. Prostituting another person;
 - g. Knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge;
 - h. Exposing one's genitals in non-consensual circumstances;
 - i. Inducing another to expose their genitals; or
 - j. Sexually-based stalking and/or bullying.
- 4. Non-Consensual Sexual Intercourse (Sexual Battery/Rape):** Any sexual penetration however slight, with any object, by any individual upon another individual that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact, also includes non-consensual removal of a condom or similar device during a sexual act (sometimes referred to as "stealthing").
- 5. Non-Consensual Sexual Contact:** Any intentional sexual touching, however slight, with any object, by an individual upon another individual that is without consent and/or by force. Sexual Contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice. Non-Consensual Sexual Contact also includes touching of another's body in a sexual manner without consent- such as but not limited to thighs, back, shoulders, exceeding the boundaries of consent such as the non-consensual removal of a condom or similar device during a sexual act (sometimes referred to as "stealthing"), etc.
- 6. Unwanted or Unwelcome Sexually Oriented Attention:** Unwanted or unwelcome sexually-oriented remarks or behaviors, that are so sufficiently

severe, persistent, or pervasive, on the part of a person who knows or ought reasonably to know that such remarks or behavior unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the University's educational program and/or activities.

7. Specific Acts of Violence defined by the Violence Against Women Act including:

- a. **Domestic Violence:** Violence that includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, a person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
 - b. **Dating Violence:** Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
 - c. **Stalking:** Engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to fear for the individual's or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, an individual, or interferes with an individual's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A reasonable individual is a person(s) under similar circumstances and with similar identities to the complainant.
- I. Supervisory Employees:** Supervisory employees include any administrative personnel, or any employees who (i) supervise one or more individual employees and may include, but is not limited to: Deans, Directors, Department Chairs, Coordinators, Unit Heads, Managers, and Principal Investigators or (ii) supervise or oversee students, including but not limited to, all members of the faculty; coaches, athletic directors and athletic trainers; graduate assistants with instructional responsibilities when they are supervising or teaching the student(s) who is (are) complaining about possible sexual harassment (including sexual violence); academic advisors; residential assistants; faculty advisors; program advisors and student activity coordinators.

- J. **Title IX Office:** The central University office responsible for coordinating the University's response and oversight of possible violations of Policy 0-004 and related state and federal laws. The Title IX Office. ([Title IX website](#)) is designated as the place for reports of sexual harassment or sexual misconduct including sexual violence.
- K. **USF Program Invitee:** Includes, but is not limited to, applicants for admission, applicants for employment, event attendees, and recipients of USF services.
- L. **Victim:** Persons who experience Sexual Harassment.

IV. FILING REPORTS OR COMPLAINTS

The Title IX Review Process begins when the University receives notice of an alleged incident by receipt of a Report or Complaint filed with the Title IX Office. The Report is distinct from the Complaint and listed below is an outline of the processes that are followed depending on the manner the process is initiated.

A. University REPORT

1. Who files a Title IX Report (Reporting Obligations and Options):

a. Voluntary Reporting:

Any person **MAY voluntarily** file a Report and in specific circumstances the filing of a Report of sexual harassment, including sexual violence, is **MANDATORY** as noted below in IV.A.2. Voluntary Reports may be made by a Victim, or any person, to:

- o The University [Title IX Office](#).

b. Mandatory Reporting:

Supervisory and Responsible Employees unless specifically exempted as noted below are **REQUIRED** to promptly (within 24hours) report allegations or instances of sexual harassment and sexual misconduct including sexual violence, by or against any USF employee(s), student(s), or group(s) to the Title IX Office. The University Police Department (UPD) is required to promptly report to the Title IX Office, as appropriate, a Complaint of sexual harassment and sexual misconduct, including sexual violence, at the time a person directly files a Complaint with the UPD, UPD becomes aware of the alleged incident, and at the conclusion of any UPD process. **Failure to make the Report may result in disciplinary action, up to and including termination of employment.** In addition to the mandatory reporting the Supervisory and Responsible Employees and the UPD must provide the victim or person reporting the options available for confidential advocacy, counseling, or other support services as well as the right to file a Title IX Complaint to the university and/or report a crime to law enforcement.

c. Exceptions from Reporting Responsibility:

1. Confidential or Victim Assistance Support: Employees whose regular duties include offering counseling or victim assistance and “other support services” are exempt from these “Responsible Employee” responsibilities under the USF’s definition when acting in their primary role, including all employees in the following organizational units:
 - Center for Victim Advocacy and Violence Prevention, including USFSP and USF-SM victim advocates
 - Counseling Center for USF Tampa
 - Student Health Services
 - USFSP Wellness Center
 - USF-SM Counseling & Wellness Center
 - Workers’ Compensation Administrator in Human Resources
 - FMLA benefits representative in Human Resources
 - Ombudsman
2. USF Research Projects: If an individual who is participating as a subject in an Institutional Review Board–approved human subject research protocol (a “USF Research Project”) discloses, as part of that research project, an incident of alleged sexual harassment and/or sexual misconduct, such disclosure will not be considered notice to the University for purposes of triggering its obligation under this Policy. This means that a Responsible Employee whose knowledge of a known or suspected incident of sexual harassment or sexual misconduct is *a result of conducting an Approved Research Protocol* is not required to Report the incident to the Title IX Coordinator. In appropriate cases researchers may be required to provide information to all subjects of a research project about Title IX rights and about available University and community resources and support services with regard to Sexual Misconduct/Sexual Harassment. Researchers who are unsure whether this provision applies to their USF Research Project should contact Research Integrity and Compliance.

2. When to File the Title IX Report: Title IX Reports may be filed at any time using the types of filings noted below. Protected Category discrimination and harassment is a separate mandate with different reporting requirements. For information regarding submission and deadlines for protected category discrimination and harassment reports, see Policy 0-007 [Diversity and Equal Opportunity: Discrimination and Harassment](#). *Please refer to USF Policy 0-007 for the deadlines for filing protected category discrimination and harassment complaints.*

3. How to file a Title IX Report: Faculty, staff, students, and other individuals may choose from one or more of the following reporting avenues. Responsible Employees **MUST** Report by submitting the Title IX Report Form.

- a. Online reporting is available using the [Title IX Report Form](#).
 1. Faculty and staff who are making a required Report – reporting information about an incident affecting someone else – **MUST FILE THIS REPORT** and do not have the option to submit this form anonymously. This Report must be submitted immediately and no later than 24 hours after receiving a disclosure.
 2. Students, parents, or others may submit a Report either anonymously or with their identifying information included.
- b. Contact the Title IX Office via email at titleixreports@usf.edu
- c. Report in Person:

USF Diversity Inclusion and Equal Opportunity (DIEO)
ATTN: Title IX
4202 E. Fowler Avenue, ALN 172
Tampa, FL 33612
- d. Paper Reporting – providing a written Report by mail:

USF Diversity Inclusion and Equal Opportunity (DIEO)
ATTN: Title IX
4202 E. Fowler Avenue, ALN 172
Tampa, FL 33612
- e. Anonymous Reporting (**not available for Responsible Employee or Mandatory Reporting**):

Anonymous Reports may be made via Ethics Point. USF has engaged EthicsPoint—a third party hosted hotline—to enable the safe, secure, and anonymous reporting of activities which may involve misconduct, fraud, abuse, and other violations of USF policies. You may file a Report by [clicking here](#) then following directions, or by calling toll-free 1-866-974-U411.

4. Report Process, Review and Outcome: After receiving a Report, the Title IX Office will conduct an initial assessment to determine jurisdiction and initiate contact with alleged Victim(s). The Title IX Office may implement interim measures if appropriate. The Victim, and in specific circumstances the University, may file a Complaint after the Report Process, or at any time, as noted below. In the event a formal Complaint is filed, the Title IX Office may conduct an investigation with specific outcomes (for cases involving an employee respondent) and possible referrals for student or employee review/sanctions as noted in the Student Code of Conduct (<https://www.usf.edu/student-affairs/student-rights-responsibilities/>) Human Resources (<https://www.usf.edu/HR/>) or Faculty Guidelines

<https://www.usf.edu/provost/faculty-info/faculty-policiesandguidelines.aspx>).

B. University COMPLAINT

1. Who files a University Title IX Complaint: If an individual believes that they have been a victim of sexual harassment (including sexual violence, intimate partner violence or stalking) in violation of University Policy, individual may file a Complaint for an internal Title IX review with the Title IX Office. The Complaint may be made independently of any Report or the Complaint can follow the filing of a Report. The University may choose to move forward with a formal investigation and disciplinary proceedings without a formal complainant in certain circumstances.

2. When to file a Title IX Complaint: Title IX Complaints may be filed at any time. Individuals may elect to file additional Complaints to law enforcement or external agencies as outlined in C and D below.

3. How to file a Title IX Complaint: The Victim, and in specific circumstances the University, may file a Complaint with the Title IX Office. The Title IX Office may conduct an investigation with specific outcomes (for cases involving an employee respondent) and possible referrals for student or employee review/sanctions as noted in the Student Code of Conduct (<https://www.usf.edu/student-affairs/student-rights-responsibilities/>) Human Resources (<https://www.usf.edu/HR/>) or Faculty Guidelines (<https://www.usf.edu/provost/faculty-info/faculty-policiesandguidelines.aspx>). The Title IX Office may implement interim measures if appropriate.

4. Title IX Complaint Review and Outcome:

- a. Student Respondent: When the Title IX office completes its investigation of a Complaint, the Title IX Office makes a conduct referral to Student Conduct and Ethical Development. SCED will apply the processes detailed in the Student Code of Conduct and will determine whether to formally charge a student. See [Student Code of Conduct 6.0021](#) for the student conduct process, which includes the grounds for Appeals:

which provides that Student appeals are submitted to the Dean of Students Office (or as otherwise designated) within five (5) days of the date on the Hearing Outcome Letter. The Dean's Office will notify the Title IX Coordinator that the appeal has been filed and the parties of the outcome as per the student code of conduct.

- b. Employee Respondent: When the Title IX office completes its investigation, the Title IX Office prepares a Final Investigative Report with outcomes which is sent to the Respondent* and appropriate office(s), most commonly to Human Resource Office (for employees) or the Provost Office (for faculty) or other supervisor. In cases where

there is a finding of responsibility, the appropriate offices will review and impose disciplinary action. See DIEO process: [Diversity and Equal Opportunity: Discrimination and Harassment](#) which provides that a *Respondent may appeal the finding in the Final Investigative Report to the Title IX Coordinator (or as otherwise designated) within thirty (30) days of the date of the Title IX Final Investigative Report. The Title IX Coordinator will forward the appeal to the President's Office for Final Determination and will notify the Complainant and Respondent that the appeal has been filed and the outcome of that appeal.

- c. Alternate Resolutions or Outcomes: Other possible non-disciplinary/sanctioning outcomes include but are not limited to an alternative or informal resolution, additional training and/or University policy modifications.

C. Complaint to Law Enforcement

1. USF Police Department: The University Police (UPD) officers are law enforcement officers of the State of Florida with authority to enforce criminal laws when violations thereof occur on any property or facilities that are under the guidance, supervision, regulation, or control of USF or a Direct Support Organization of USF. The UPD provide immediate assistance to the victim and initiate investigative processes to apprehend the perpetrator of the crime. The UPD promptly informs the appropriate State Attorney's Office of sexual battery complaints and may consult with the State Attorney during the investigation of the complaint. Individuals have a right to simultaneously pursue both a criminal Complaint and a Title IX Complaint with the University. To file a Complaint to the University Police, an individual may contact them directly to request a criminal investigation. University Police Officers are also mandatory reporters and must report all disclosures of potential violations of Policy 0-004 to the Title IX Office promptly (within 24 hours).

2. Criminal Complaints Reporting to External Offices: Filing an internal Complaint of sexual harassment (including sexual violence) with the Title IX Office or the UPD does not preclude filing Complaints at any time with external agencies and does not affect any requirements for filing or deadlines that may be imposed by any agency external to the University. Law Enforcement Complaint and Criminal Prosecution Reporting are available and sexual assault and other forms of sexual misconduct are crimes and may be reported directly to law enforcement for investigation at any time and before or after internal University reporting. In addition to or independent of the Internal Title IX Process, an individual may file a criminal complaint to the UPD AND/OR to an external law enforcement office with jurisdiction over the crime by contacting that agency directly.

The following agencies are available to take Criminal Complaints:

- Local Law Enforcement Agencies
- Tampa Police Department
- Hillsborough County
- Sarasota
- St. Petersburg

D. Related Complaints to External Agencies: Offices available as a resource or for possible external complaints include but are not limited to:

1. U.S. Equal Employment Opportunity Commission, Tampa, Florida (813) 228-2310, TTY (813) 228-2003.
2. U.S. Department of Education, Office for Civil Rights, Atlanta, Georgia (404) 562-6358, TDY (404) 562-6454.
3. U.S. Department of Labor, Office of Federal Contract Compliance Programs, Orlando, Florida (407) 648-6181.
4. Florida Commission on Human Relations, Tallahassee, Florida 1-800-342-8170), TDD ASCII 1-800-955-1339; TDD BAUDOT 1-800-955-8771.

E. Privacy: Privacy of parties involved during the investigative process will be maintained to the fullest extent possible. Information will be shared with only those who have a legitimate need to know. Details regarding privileged and confidential communications may be found on the Title IX website. University offices that may offer confidential resources include the [Center for Victim Advocacy & Violence Prevention, the Ombuds Office, the Employee Assistance Program](#), Student Health Services and the Student Counseling Center.

With the exception of Responsible Employees who are required to file a Report using the designated form, allegations may be filed anonymously through the [EthicsPoint](#) hotline. Ethics Point allows confidential reporting of activities that may involve certain improper conduct or violations of USF policies.

The Title IX Coordinator or designee will be responsible for evaluating a Complainant's request for confidentiality in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all members of the University community. Factors that may be considered in analyzing such request for confidentiality may include, but are not be limited to, the seriousness of the alleged harassment, whether there have been other Complaints or Reports of harassment involving the same alleged harasser, whether the Reporting individual is a [minor](#), and whether the incident represents an escalation of behavior or identifies violations of state or federal law or University policy.

F. Records and Statistical Reporting:

1. SCED will provide the Title IX Office with the final results of all conduct referrals from the Title IX Office regarding Sexual Harassment to enable

accurate statistical reporting; identify and address any patterns or systemic problems; and develop ongoing prevention programs.

2. All offices will provide information regarding the type of crime and location to UPD, as required by federal law (Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act - the “Clery Act”). The UPD is required to annually report to the public statistics concerning crimes, which are reported to have occurred on campus, or in Clery-designated geographic locations associated with the University or its activities. There are three general categories of crime statistics that must be reported:
 - a. Criminal Offenses, which includes murder, or non-negligent manslaughter, negligent manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson.
 - b. Hate Crimes, which includes any of the above-listed crimes, as well as larceny-theft, simple assault, intimidation, and destruction or damage or vandalism of property, when such crime is motivated, in whole or in part, by bias based on race, gender, religion, disability, ethnicity, national origin, sexual orientation, and gender identity.
 - c. Arrests and Referrals for Discipline for violation of weapons, drug, and liquor laws. In addition, the University will comply with the new Reporting obligations under the [Violence Against Women Act of 2013](#) (VAWA) which require the university to compile additional statistics regarding domestic violence, dating violence, and stalking in annual security Reports. The information may be used to make timely warnings to the community of the occurrence of the above crimes. Further information about University procedures for Reporting crimes and incidents under the Clery Act may be found on the [UPD website](#).
 - d. The University’s Clery Coordinator located in the USF Police Department may accept anonymous reports of sexual assault, stalking and groping which may be included in the University’s crime statistics if appropriate under the [Clery Act](#) (757-221-4596). Reports of sexual assault, stalking, groping or intimate partner violence will be shared as a Title IX Report or directly with the Title IX Coordinator.
 - e. It is USF’s Policy to provide to the public, upon request, the number of sexual battery cases that have been reported to UPD within a specified time period. Crime statistics are provided to Tallahassee in accordance with State law. Information concerning the incidence of crime is provided to the University community in a regular and timely manner through local and on-campus media. This information is also forwarded to the Federal Bureau of Investigation and included in the National Crime Report published by the United States Department of Justice.

G. Related Information:

1. Related Regulations and Policies for addition reference include:

a. Policies

1. [Policy # 0-020, Retaliation, Retribution, Or Reprisals Prohibited](#)
2. [Policy #1-022, Consensual Relationships](#)
3. [Policy #0-007, Diversity and Equal Opportunity: Discrimination and Harassment](#)
4. [Policy #6-032, Child Abuse Reporting](#)

b. Regulations

1. [Regulation USF6.0021, Student Code of Conduct](#)

2. Victim and Prevention Services

Each campus provides victim and prevention services. Detailed information about these services is available on USF's website at:

Tampa	<u>https://www.usf.edu/student-affairs/victim-advocacy/</u>
St. Petersburg	<u>http://www.usfsp.edu/wellness/crisis-services/</u>
Sarasota-Manatee	<u>http://www.usfsm.edu/campus-life/health-and-safety/counseling-and-wellness-center/crisis-services-and-victim-advocacy.aspx</u>

Contact information for the appropriate campus law enforcement agency for reporting sexual battery, intimate partner violence or stalking, and available assistance for victims of campus-related crimes within USF are as follows:

Tampa

Emergency	9-1-1
Police, Non-Emergency	813-974-2628
Local Rape Crisis Center	813-964-1964
Counseling Center	813-974-2831
Victim Advocate	813-974-5757 or 5756

St. Petersburg

Emergency	9-1-1
Police, Non-Emergency	727-873-4140
Locate Rape Crisis Center	727-531-0482

Counseling Center	727-873-4422
Victim Advocate	727-612-2861

Sarasota-Manatee

Emergency	9-1-1
Police, Non-Emergency	941-487-4210
Local Rape Crisis Center – Manatee County	941-755-6805
Local Rape Crisis Center – Sarasota County	941-365-1976
Counseling Center	941-487-4254
Victim Advocate	941-252-5156

3. Index of Information (see attached)

Current Responsible Office*: Title IX Coordinator, Title IX Office

***Refer to the appropriate Responsible Office website for a current name of the Title IX Coordinator.**

History: New 12-22-11, Amended 9-7-12 (technical), 10-19-15 (technical), 1-3-18 (technical), 8-22-19 (technical), 2-4-20 (technical), 4-30-20 (technical).

Consolidation Amendment Effective: 7-1-20

INDEX

SEXUAL BATTERY/RAPE LAWS

(In Florida, “rape” is called “sexual battery”)

ACCORDING TO FLORIDA LAW:

- Sexual Battery/Rape is the: “Oral, anal or vaginal penetration by, or union with a sexual organ of another or anal/vaginal penetration of another by any other object.”
- The sexual act(s) is/are performed without the victim’s consent.
- An individual who is mentally incapacitated, asleep, physically helpless or unconscious due to alcohol or other drug consumption is considered unable to give consent.
- The same definition applies regardless of whether the assailant is a stranger or a non-stranger.
- The type of force employed may involve physical violence, coercion or threat of harm to the victim. The victim is not required to physically fight back.

Florida Sexual Battery Statutes:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0794/0794ContentsIndex.html (Chapter 794).

DEFINITIONS FROM FLORIDA STATUTES:

- "Consent" means intelligent, knowing, and voluntary consent and does not include coerced submission or submission out of fear. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.
- "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance
- "Physically helpless" means unconscious, asleep, or for any other reason physically unable to communicate consent or lack of consent.
- "Physically incapacitated" means bodily impaired or handicapped and substantially limited in ability to resist or flee.