UCF-5.007 Office of Student Conduct; Scope, Definitions; Student Conduct Records

1. Scope

(a) The Rules of Conduct shall apply to all undergraduate students, graduate students and students pursuing professional studies, including those attending its regional campuses and/or off campus instructional sites. The Rules of Conduct shall be deemed a part of the terms and conditions of admission and enrollment of all students. The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by the University of Central Florida. The Rules of Conduct apply to student conduct and will not be used to impose discipline for the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in other University regulations or policies.

(b) These Rules of Conduct apply to all student conduct that occurs on University premises, as defined below; or at activities officially approved by the University of Central Florida or which are sponsored or conducted by University groups and organizations, regardless of location.

(c) Off-Campus Conduct. The University may take action against a student for off-campus conduct if the conduct is specifically prohibited by law or the Rules of Conduct; or if the conduct poses (or demonstrates that the student’s continued presence on University premises poses) a danger to the health, safety or welfare of the University community; or if the conduct is disruptive to the orderly processes and functions of the University.

(d) Failure to comply with duly established laws or University regulations may subject violator(s) to appropriate civil authorities.

2. Authority

(a) The Florida Board of Governors Regulation 6.0105 requires each university to establish a Student Disciplinary System, including a code of conduct, to apply to student disciplinary proceedings.

(b) These regulations are designed to ensure fairness and due process in student disciplinary proceedings.
Generally, authority necessary to enforce the student conduct regulations is vested in the Vice President for Student Development and Enrollment Services or designee. Selected functions of this authority are shared with faculty, staff and students. Some functions of student conduct administration are assisted through review boards or committees.

3. **Violations of Law and Rule of Conduct Violations.** A student who commits offenses against the laws of municipalities, states, or the United States, is subject to prosecution by those authorities and may be subject to disciplinary action under University rules when the conduct violates institutional standards. Students shall not be forced to present self-incriminating evidence; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal case. The Student Conduct process is not a criminal or judicial proceeding and is designed to address student behavior; therefore, alleged violations of the Rules of Conduct will be addressed independently of any penalty imposed by the courts for the criminal offense.

4. **Definitions**
   
   (a) The term “Academic Integrity Panel” is comprised of two faculty members and two students from the Student Conduct Board. Members of this panel will receive training annually on how to conduct an investigation related to academic misconduct.

   (b) The term “Advisor” refers to the person of the charged student’s or organization’s choice who may assist and/or accompany the charged student throughout the Student Conduct Review Process, but shall not speak for or present the case on behalf of the charged student or organization.

   (c) The term “Charged Student” means any student that is charged with a violation of the Rules of Conduct.

   (d) The term “Clery Act” refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, otherwise known as the Clery Act, is a federal law that requires institutions of higher education to provide current and prospective students and employees, the public, and the Department with crime statistics and information about campus crime prevention programs and policies.
Among other crimes, the Clery Act requires that colleges and universities report forcible sex offenses including sexual assault and rape. The Clery Act was most recently amended by the Violence Against Women Reauthorization Act of 2013.

(e) The term “Continuously Enrolled” is defined as being enrolled in classes without a break of two or more consecutive regular semesters/terms (i.e., Fall and Spring, or Spring, Summer, and Fall).

(f) The term “Director of the OSRR” refers to the Director of the Office of Student Rights and Responsibilities.

(g) The term “Disciplinary Sanction Review Committee” is a committee composed of an equal number of faculty/staff and students appointed by the Director of the OSRR or designee to review the disciplinary probation/suspension status of a student.

(h) The term “Hold” refers to a service indicator placed on a student’s record.

(i) The term “Off Campus” refers to any location not defined as University premises.

(j) The term “Overlay” refers to a notification on a student’s university transcript that states the student is not in good standing.

(k) The term “Preponderance of Evidence” means that evidence, considered as a whole, shows that the fact sought to be proved is more probable than not. This is the standard used in adjudicating all disciplinary cases within the Student Conduct Review Process.

(l) The term “Record Sealing” refers to when a student’s disciplinary record cannot be examined except by a court order or designated officials.

(m) The term “Sanction” refers to outcome(s) imposed on students found in violation of any Rules of Conduct of this University.

(n) The term “Student” means any person enrolled in one or more classes at the University, either full time or part time, study abroad students, on-line students, students pursuing undergraduate, graduate or professional studies, whether degree seeking or non-degree seeking. Persons who withdraw after allegedly violating the Rules of Conduct, or who are not officially enrolled for a particular academic term but who have a continuing relationship with the University, or who have been notified of their acceptance for admission are considered “students.”
(o) The term “Student Conduct Board” means any person or persons authorized by the Director of the OSRR or designee to gather information and make proposed findings regarding whether a student has violated the Rules of Conduct and to propose sanctions that may be imposed. Board members are selected through an annual application and interview process with the exception of the justices from the Student Government Association Judicial Council. All Student Conduct Board members, including justices, receive training from the Office of Student Conduct. Student Conduct Board members who serve on hearings related to allegations of domestic violence, dating violence, sexual assault, and stalking will receive additional training annually. They will be trained on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

(p) The terms “Title IX” refers to Title IX of the Education Amendments of 1972 is a federal law that protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”. Title IX’s sex discrimination prohibition protects against sexual harassment and sexual violence and extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. Other examples of the types of discrimination that are covered under Title IX include the failure to provide equal opportunity in athletics; discrimination in a school’s science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy and parental status.

(q) The term “University” means the University of Central Florida

(r) The term “University community” refers, collectively and individually, to students, University officials, Trustees, and all visitors, contractors, and guests to the University or any of its campuses, facilities or events.
(s) The term “University official” includes any person employed by the University (i.e. faculty, staff, administration, and residence hall staff) acting within the scope of their job duties.

(t) The term “University premises” includes all land, buildings, facilities, and other properties in the possession of or owned, used, or controlled by the University.

(u) The term “VAWA” refers to the Violence Against Women Reauthorization Act of 2013 amended the Violence Against Women Act and the Clery Act to provide new requirements for schools to prevent and respond to sexual violence, domestic violence, dating violence, and stalking. Some of these requirements include providing primary prevention education and awareness programs for all incoming students and employees; collecting statistics on domestic violence, dating violence, and stalking in addition to current requirements to collect sexual assault statistics; issuing complainants a written notice of their rights; and adopting grievance policies that are prompt, fair, and impartial as well as administered by trained officials. These updates are sometimes referred to as Campus Sexual Violence Elimination Act or Campus SaVE Act.

(v) The term “VP of SDES” refers to the Vice President of Student Development and Enrollment Services.

(w) The term “Witness” refers to an individual who is in the proximity of an incident and viewed the actions of said incident or who has relevant information about a given incident or actions related to a specific incident.

5. Student Conduct Records

(a) Maintenance of Records. A student’s conduct case record will be maintained in the Office of Student Conduct. The case record of a student found responsible for charge(s) against them, with sanctions less than suspension or expulsion, will generally be maintained in the Office of Student Conduct for seven years from the calendar year of record, after which they are destroyed. The case record of a student who has been placed on disciplinary suspension or expulsion will be permanently maintained as official records by the Office of Student Conduct.
(b) Release of Records. The release of student disciplinary records will be governed by applicable federal and state laws regarding the privacy of educational records.

6. Evaluation of Student Conduct Review Process. The Student Conduct Review Process will be evaluated periodically by a committee, which shall be composed of students and staff members of the University.
The following defined and described actions include, but are not limited to, conduct for which disciplinary action may be taken at the University of Central Florida. Students and organizations are responsible for the observation of all University policies and regulations. Each student is expected to abide by these rules of conduct, and administrators are expected to enforce them. These Rules of Conduct should be read broadly and are not designed to define prohibited conduct in exhaustive terms. Additional rules and regulations may be revised during the year; announcements will be made on adoption of the changes or additions. The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by the University of Central Florida. The Rules of Conduct apply to student conduct and will not be used to impose discipline for the lawful expression of ideas.

1. Academic Misconduct

   (a) Unauthorized assistance: Using or attempting to use unauthorized materials, information or study aids in any academic exercise unless specifically authorized by the instructor of record. The unauthorized possession of examination or course related material also constitutes cheating.

   (b) Communication to another through written, visual, electronic, or oral means. The presentation of material which has not been studied or learned, but rather was obtained through someone else’s efforts and used as part of an examination, course assignment or project.

   (c) Commercial Use of Academic Material: Selling notes, handouts, etc. without authorization or using them for any commercial purpose without the express written permission of the University and the Instructor is a violation of this rule.

   (d) Falsifying or misrepresenting your academic work.

   (e) Plagiarism: Whereby another’s work is used or appropriated without any indication of the source, thereby attempting to convey the impression that such work is the student’s own.

   (f) Multiple Submissions: Submitting the same academic work for credit more than once without the express written permission of the instructor.

   (g) Any student who knowingly helps another violate academic behavior standards is also in violation of the standards.
2. Possessing and/or Providing False and Misleading Information and/or Falsification of University Records

(a) Withholding related information, or furnishing false or misleading information (oral or written) to University officials, university and non-university law enforcement officers, faculty or staff.

(b) Possession, use or attempted use of any form of fraudulent identification.

(c) Forgery, alteration or misuse of any University document, material, file, record or instrument of identification.

(d) Deliberately and purposefully providing false or misleading verbal or written information about another person.

(e) Falsification, distortion, or misrepresentation of information during the Student Conduct Review Process, including knowingly initiating a false complaint.

3. Disruptive Conduct

(a) An act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof or the rights of other members of the University community.

(b) Any act which deliberately impedes or interferes with the normal flow of pedestrian and vehicular traffic.

(c) An act which tampers with the election(s) of any University student organization or group including major violations of the SGA Election Statutes.

(d) Misuse of any University safety equipment, firefighting equipment, or fire alarms.

(e) An act which deliberately interferes with the academic freedom or the freedom of speech of any member or guest of the University community.

(f) A false report of an explosive or incendiary device, which constitutes a threat or bomb scare.

(g) Breach of peace: an act, which aids, abets, or procures another person to breach the peace on the University premises or at University sponsored/related functions.

(h) Failure to comply with oral or written instruction from duly authorized University officials (i.e. faculty, staff, administration, residence hall staff) acting within the scope of their job duties or law enforcement officers acting in the performance of
their duties, including failure to identify oneself to these persons when requested to do so.

(i) Failure to produce identification upon request by a University official (i.e. faculty, staff, administration, residence hall staff), acting within the scope of their job duties or law enforcement officers acting in the performance of their duties.

(j) Hindering or interfering with the Student Conduct Review Process by failing to obey the notice from a university official to appear for a student conduct meeting or hearing; and/or attempting to discourage an individual’s proper participating in, or use of, the Student Conduct Review Process.

4. Harmful Behavior

(a) Physical harm or threat of physical harm to any person. This harmful behavior policy may not apply in those instances where it is found that a student is acting in self-defense.

(b) Verbal or written abuse, threats, intimidation, coercion and/or other conduct that endangers the health, safety, or wellbeing of others, or which would place a reasonable person in the victim’s position in fear of bodily injury or death. This definition, however, shall not be interpreted to abridge the rights of the University community to freedom of expression protected by the First Amendment of the United States Constitution and any other applicable law.

(c) Harassment: defined as conduct (including written or electronic communication) based on a protected category (such as race, color, religion, national origin, gender identity, et al), which, due to the severity and pervasiveness of the conduct and its targeted nature on the basis of a protected category, (i) has the purpose or effect of creating an objectively intimidating, hostile or offensive educational or work environment; and (ii) has the purpose or effect of unreasonably interfering with an individual’s employment, schooling, or business with the University. Harassment under this provision is conduct (verbal or physical behavior) that would constitute harassment under federal or state civil rights laws or under University Regulation (UCF-3.001).

(d) Bullying: defined as behavior (including written, visual, electronic or oral means) that is intentional and repeated, or meant to be done in humor or in jest, that
results in the intimidation, injury, or distress of another individual physically, mentally, or socially. Bullying, however, is not speech or conduct otherwise protected by the First Amendment of the United States Constitution and any other applicable law.

(e) Dating Violence: defined as violence, or threat of such violence, to an individual committed by a student who is or has been in a romantic or intimate relationship with said individual.

(f) Domestic Violence: defined as violence towards a current or former spouse or intimate partner in which the individuals are currently or have previously cohabitated together.

(g) Stalking: defined as repeated, unwanted conduct toward or contact with another person that creates fear for the person’s safety or the safety of others, or causes an individual to suffer emotional distress. Such conduct is direct, indirect, or through a third party using any type of action, method, or means. Cyber stalking is also included in this definition.

(h) Failure to respect the privacy of other individuals.

(i) Retaliation against or harassment of complainant(s) or other person(s) alleging misconduct.

(j) Condoning or encouraging acts of harmful behavior as defined above or failing to stop an act of harmful behavior while it is occurring.

Note: See provisions for victim acts of violence regarding domestic violence, dating violence, and stalking in section UCF-5.006i under Student Rights. See F.S.S. 741.28, 784.046, 784.048 for definitions of Florida State Statutes www.leg.state.fl.us/Statutes/.

5. Sexual Misconduct

(a) Any nonconsensual sexual conduct or attempted nonconsensual sexual conduct which occurs on or off the UCF campus. Consent, to be valid, must be:

1. Freely and actively given.
2. In mutually understandable words or actions.
3. Consent to one form of sexual activity can never imply consent to other forms of sexual activity.
4. Consent is not the lack of resistance; there is no duty to fight off a sexual aggressor.

5. Consent can be withdrawn at any time, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions.

6. A person shall not knowingly take advantage of another person who is under 18 years of age, mentally defective, under the influence of prescribed medication, alcohol or other chemical drugs, or who is not conscious or awake, and thus is not able to give consent as defined above. Further, a person shall not physically or verbally coerce another person to engage in any form of sexual conduct, to the end that consent as defined above is not given.

(b) Sexual harassment: Conduct (verbal or physical behavior) that would constitute sexual harassment under federal or state civil rights laws or under University Regulation UCF-3.001. Unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature which, due to the severity and pervasiveness of the conduct and the targeted nature of the conduct on the basis of sex, objectively prevents or impairs another person’s full enjoyment of the educational benefits, atmosphere, or opportunities provided as part of the University. This provision also applies to unwanted, unwelcome, inappropriate, or irrelevant sexual or gender-based activities, sexual advances, or requests for sexual favors, when (i) submission to such conduct is made either explicitly or implicitly a term or condition of a student’s academic, extracurricular, or employment participation; or (ii) submission to or rejection of such conduct or request is used as the basis for employment decisions or to determine participation in academic or extracurricular activities.

(c) Exposure of one’s body in such a manner that another party reasonably could be offended or to display sexual behavior which another person reasonably finds offensive.

(d) Sexual stimulation sought through trespass, spy, or eavesdropping activities.

(e) Attempting to commit by solicitation sexual acts with a minor by oral, written, or electronic means.
(f) Condoning or encouraging acts of sexual misconduct as defined above or failing to stop an act of sexual misconduct while it is occurring.

(g) Any attempted acts of sexual misconduct are also violations of this policy.

Note: See provisions for victim acts of sexual misconduct in section UCF-5.006i under Student Rights. See F.S.S. 784.046 for definitions of Florida State Statutes www.leg.state.fl.us/Statutes/.

6. Larceny/Property Damage

(a) Unauthorized use, possession, or services or theft of property. Such property may be personal or public.

(b) Damage or defacing of University property or the property of another person whether or not it is on University premises.

7. Hazing

(a) Any action or situation which recklessly or intentionally endangers the mental or physical health and/or safety of a student for the purpose of initiation or admission into, or affiliation with, any organization operating under registration with the University. Hazing may result in felony charges.

(b) Brutality of a physical nature such as whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food, liquid, liquor, drug, or other substances; or other forced elements; or other forced activity which could adversely affect the mental or physical health or safety of the individual.

(c) Any activity which could subject the individual to mental stress such as sleep deprivation, forced exclusion from social contact, forced contact which could result in embarrassment, or any other activity which could adversely affect the mental health or dignity of the individual.

(d) Forcing or requiring the violation of University policies, federal, state, or local law.

(e) Any activity, as described above, upon which the initiation or admission into or affiliation with a University of Central Florida organization may be directly or indirectly conditioned, shall be presumed to be a “forced” activity, the willingness of an individual to participate in such an activity notwithstanding.
8. Misuse or Unauthorized Use of Facilities and Grounds
   (a) Misuse or unauthorized use of classroom or laboratory facilities.
   (b) Abusing grounds or building structures including, but not limited to ramps, rails, stair sets and entryways by means of recreational cycling, skating, scootering, or other recreational activities or devices as outlined in Regulation UCF-4.036.
   (c) Unauthorized entry or attempted entry to any University facility.
   (d) Unauthorized possession, duplication or use of keys to any University premises.

9. Misconduct at University Sponsored/Related Activities
   (a) Violation of UCF rules of conduct at UCF sponsored related activities shall also be a violation of the golden rule.
   (b) Violations of a regulation(s) of a host institution sponsored/related activity shall be a violation of the golden rule.

10. Controlled Substance and Drug Violations
    (a) Possessing, consuming, or attempting to possess cannabis in any amount except as expressly permitted by law.
    (b) Cultivating, manufacturing, or attempting to obtain cannabis in any amount, except as expressly permitted by law.
    (c) Possessing, consuming, cultivating, manufacturing, or attempting to possess any controlled substances other than alcohol or cannabis, except as expressly permitted by law.
    (d) Selling or distributing cannabis or any other controlled substances and related paraphernalia, other than alcohol and alcohol-related paraphernalia, except as expressly permitted by law.
    (e) Possessing or attempting to possess any drug related paraphernalia, other than alcohol-related paraphernalia, except as expressly permitted by law.
    (f) Misconduct under the influence of controlled substances other than alcohol.
11. Alcoholic Beverages Violation

(a) Possessing or consuming alcoholic beverages, or possessing or using alcohol-related paraphernalia, except as expressly permitted by the law and University Regulations and/or Policies.

(b) Selling, distributing, or supplying alcoholic beverages or alcohol-related paraphernalia, except as expressly permitted by law and University Regulations and/or Policies.

(c) Misconduct under the influence of alcohol

NOTE: Alcohol Emergencies- University Expectations for Individuals

1. University of Central Florida students who receive medical attention due to alcohol-related emergencies may be exempt from disciplinary action as part of the conditions for alcohol emergencies after review by the Director of the Office of Student Rights and Responsibilities or designee. Students eligible for exemption will be referred for assessment and follow-up services in lieu of the student conduct review process.

2. Students who receive medical assistance for alcohol emergencies may receive exemption for violations of the Rules of Conduct Section 11 subsections a, b, & c; however, exemption for other Rules of Conduct violations may not be granted. The Director of the Office of Student Rights and Responsibilities reserves the right to review each incident individually to determine whether the student will be exempt from disciplinary action. The Director of the Office of Student Rights and Responsibilities maintains the right to recommend additional requirements for students who are referred for assessment and fail to meet the requirements of their assessment. For subsequent incidents, appropriate interventions will be handled on a case by case basis.

3. Students who seek medical assistance on behalf of another intoxicated student may be exempt from disciplinary action for violations of the Rules of Conduct Section 11 subsections a, b & c. However, exemption for other Rule of Conduct violations may not be granted.
4. For parental notification regarding medical transports for alcohol-related incidents, refer to the Parental Notification Policy in the on the Office of Student Conduct website: http://osc.sdes.ucf.edu/notification.

5. Additional information regarding alcohol emergencies can be found through the Office of Student Rights and Responsibilities website: http://osrr.sdes.ucf.edu.

12. Possession of Weapons and/or Dangerous Material

(a) The possession, use, or storage of weapons on property owned or controlled by the University or at events sponsored and/or supported by the University is prohibited, except as specifically outlined in University Policy 3-119.1 (Weapons on University Property and at University Events).

(b) Possession or use of fireworks of any description, explosives, or chemicals which are disruptive, explosive, or corrosive on University premises or at University sponsored/related activities.

13. Instigation or Participation in Group Disturbances during Demonstrations, Parades, or Picketings

(a) Participation in a demonstration(s), parade(s), or picketing which invades the rights of others, which interferes with the educational function of the University, or which jeopardizes public order and safety.

(b) Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

14. Misuse of Computing and Telecommunications Resources

(a) Theft or other abuse of computer facilities and resources

(b) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.

(c) Unauthorized transfer of a file.

(d) Use of another individual’s identification and/or password.

(e) Use of computing facilities and telecommunications resources to interfere with the work of another student, faculty member or University Official.

(f) Use of computing facilities and telecommunications resources to send obscene or abusive messages.
(g) Use of computing facilities and telecommunications resources to interfere with normal operation of the University computing system.

(h) Use of computing facilities and telecommunications resources in violation of copyright laws.

(i) Any violation of the University of Central Florida Use of Information Technology and Resources Policy.

(j) Any violation of the University of Central Florida ResNet Acceptable Use Policy.

15. Gambling

(a) Play in an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a student or student organization.

(b) Unlawfully sell, barter or dispose of a ticket, order, or any interest in a scheme of chance by whatever name on University premises or at any affair sponsored by a student or student organization.

(c) Wager on a University team or organization in a competition, with a direct influence in the success of the competition.

16. University Student Residence Violations

Violation(s) of any Department of Housing and residence Life policy, rule or regulation published in hard copy or available electronically via Department of Housing and Residence Life website.

17. University Wordmark Violations

Unauthorized use of the official University wordmark, Pegasus, monogram, seal, or other graphic identity symbol.

18. Violation of Local, State, and/or Federal Laws

Violation of any local, state and/or federal law that may result in a felony or misdemeanor.
UCF-5.009  Student Conduct Review Process; Sanctions

1. Violation Reports. Alleged violations of the UCF Rules of Conduct shall be reported in writing to the Director of the OSRR or designee. Upon receiving an alleged violation of misconduct, the Director of the OSRR or designee may review relevant information and consult with relevant parties regarding the incident in question. In unusual cases, which dictate a decision for the welfare of any individual, the student body, or any part of the University or its community, the Director of the OSRR or designee, upon notifying the VP of SDES, may take immediate action to resolve the situation by placing the student on interim suspension. Such action is subject to review at a hearing within three (3) business days by the VP of SDES or designee to determine the status of the interim suspension. The outcome of an interim suspension hearing shall remain in effect until the final disposition of formal charges resulting from the circumstances of the case, unless the VP of SDES or designee shall decide otherwise.

(a) The Director of the OSRR or designee will refer all information warranting disciplinary action to the Office of Student Conduct. The Office of Student Conduct will send written notification to the charged student indicating the nature of the activity in question and what university rules were allegedly violated.

(b) Upon receipt of an incident report the Office of Student Conduct has six months to charge a student with a violation of the Rules of Conduct. The Office of Student Conduct may exercise discretion when applying the time provision to account for circumstances that warrant a waiver of the six month time limit from the date of discovery.

(c) Students charged with alleged violations of the Rules of Conduct will receive notice to attend a required preliminary conference with the Office of Student Conduct to discuss the charges. If the student fails to attend that conference, a hold may be placed on the student’s record, preventing them from registering for future classes until the matter is resolved. Students who leave the university or withdraw from a class before a disciplinary matter is resolved may be prohibited from future enrollment until such time as the matter is resolved. The student will receive information regarding the Student Conduct Review Process, including the student’s rights during the process, an opportunity to inspect and/or review the information known at the time charges are prepared, and notice on how to contact the Student
Government Association Judicial Advisor. At the conclusion of the meeting, the Office of Student Conduct recommends an option for resolution of the disciplinary charge(s). These options are dismissal, mediation, informal hearing, or formal hearing.

2. Options for Resolution of Disciplinary Charges

(a) Case Dismissal: The Director of the OSRR or designee may dismiss a case if it is found to not have sufficient facts or information to substantiate the claim of misconduct, the accused person is not a student, or the action claimed as misconduct is not a violation of the Rules of Conduct.

(b) Mediation: Depending on the nature and severity of the alleged violation, the Office of Student Conduct may recommend formal mediation through the Office of Student Rights and Responsibilities as an alternative to disciplinary action. The involved parties must each agree to mediation. Mediation is confidential. In mediation, the parties voluntarily meet with an impartial mediator to communicate their concerns and needs to each other and to reach their own agreement on the resolution of the case. The participants in mediation are responsible for keeping their agreement or renegotiating it, if necessary. In the event that the participants do not agree to mediate or mediate but do not reach a full and final resolution, the case will be referred back for disciplinary action through an informal or a formal hearing. Breach of a mediated agreement may result in a follow up mediation session or the matter may be referred back through the conduct process at the discretion of the Office of Student Conduct.

(c) Informal Hearing: At the discretion of the Office of Student Conduct, violations found not to warrant a formal hearing may be referred to an informal hearing. At the informal hearing the charged student has the opportunity to meet with an Office of Student Conduct staff member and accept responsibility for the charges of violation of the Rules of Conduct. At the informal level the matter will be settled by the following outcomes: punitive sanction (disciplinary warning or disciplinary probation) as well as educational sanctions (papers, seminars, community service, etc.). If the matter is not resolved informally, the case will be resolved through a formal hearing.
(d) Formal Hearing: If an alleged violation of the Rules of Conduct is not dismissed or otherwise resolved, then the Office of Student Conduct shall present in writing formal charges to the student. The charged student may request either a panel or administrative hearing. The charged student’s hearing shall be open only to the charged student, his/her advisor, the hearing body, witnesses (when called upon), and a representative from the Office of Student Conduct. In cases of alleged Academic Misconduct, the student is required to have an academic integrity panel hearing.

Formal notification shall include:

1. The student’s name and address.
2. Date, time and location of the formal hearing.
3. The rule(s) of conduct allegedly violated known at the time formal charges are prepared.
4. Names of potential witnesses known at the time formal charges are prepared.
5. A description of any physical or written documentation known at the time charges are prepared.

3. Formal Hearings

There are two types of formal hearings – panel hearings and administrative hearings.

(a) Panel Hearings.

1. A panel to consider an individual case shall be randomly selected by the Office of Student Conduct from the Student Conduct Board and shall consist of two (2) faculty and administrative staff members combined, and two (2) student members. One panel member shall be selected by the Office of Student Conduct to chair the hearing and report the finding(s) and recommended sanctions, if any, to the Director of the OSRR or designee.

2. At hearings conducted by a panel, an Office of Student Conduct staff member shall act as an advisor to the panel. The Director of the OSRR or designee shall receive the panel’s proposed finding(s) as to "in violation" or "not in violation" of the Rules of Conduct, and consider any sanctions proposed by the panel.
3. The Director of the OSRR or designee may accept the proposed finding(s) of “in violation” or “not in violation” or remand the case for rehearing. If the Director of the OSRR or designee accepts the proposed finding(s) of “in violation,” they may approve, mitigate or increase the sanctions proposed by the panel.

4. Any decision by the Director of the OSRR or designee to alter proposed sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

(b) Administrative Hearings

1. Administrative hearings shall be conducted by one faculty or staff member randomly selected by the Office of Student Conduct from the Student Conduct Board. The charged student shall be informed of the hearing officer assigned to his/her case and shall have the opportunity to challenge the impartiality of the individual within three (3) business days of notification. The student shall state in writing the basis for such challenge. A hearing officer so challenged will be excused; however, indiscriminate challenges shall not be permitted. In the event that a student has opted not to challenge the impartiality of a hearing officer prior to the allotted three (3) business days, the assigned hearing officer shall remain as scheduled.

Administrative Hearings are not an option in cases of alleged Academic Misconduct.

2. At hearings conducted by an administrative hearing officer, an Office of Student Conduct staff member shall act as an advisor to the administrative hearing officer. The Director of the OSRR or designee shall receive the administrative hearing officer’s proposed finding(s) as to “in violation” or “not in violation” of the Rules of Conduct, and consider any sanctions proposed by the administrative hearing officer.

3. The Director of the OSRR or designee may accept the proposed finding(s) of “in violation” or “not in violation” or remand the case for rehearing. If the Director of the OSRR or designee accepts the proposed finding(s) of “in
violation,” they may approve, mitigate or increase the sanctions proposed by the administrative hearing officer.

4. Any decision by the Director of the OSRR or designee to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

(c) Conduct of Formal Hearings

The following is furnished as a guide to the sequence of events in a formal hearing. Please note that all formal hearing proceedings are recorded. The recording is part of the official record of the formal hearing and no other recordings are permitted.

1. Reading of charges.
2. Student response of “in violation” or “not in violation.”
3. Presentation of information in support of the charges.
4. Opening statement by the charged student.
5. Questioning of the charged student by the hearing body.
6. Presentation and questioning of witnesses in support of the charges.
7. Presentation and questioning of witnesses by the charged student.
8. Final questions of the charged student by the hearing body.
9. Closing remarks by the charged student.
10. Hearing is brought to a close; student is invited to await announcement of the proposed finding(s) and recommended sanction(s), if any.

(d) Deliberations by the panel or the administrative hearing officer are not part of the hearing and are confidential. Deliberations occur after the closure of the hearing and are not recorded. Following deliberations, the panel or the administrative hearing officer will announce to the student the proposed finding(s) and proposed sanction(s), if any. The announcement of the proposed finding(s) and proposed sanction(s), if any, will be recorded as part of the official case record.

(e) Case Record for Formal Hearing - The case record shall consist of the following items:

1. A copy of the formal charges in writing.
2. A recording of the formal hearing.
3. A recording of the announcement of the proposed finding(s) and proposed sanctions, if any.
4. All staff memoranda submitted.
5. All items of physical or written documentation submitted, provided such items are not returned to a rightful owner. In that case, photographs or other facsimiles shall be made before return.
6. The proposed finding(s) and sanction(s) by the hearing panel or administrator, if any.
7. The Director of the OSRR’s or designee’s decision.

4. Student Rights in the Formal Hearing Process
The following rights shall be explained to each charged student prior to the commencement of any formal hearing:

(a) The charged student shall be afforded reasonable written notice, at least five (5) business days prior to the formal hearing, unless waived in writing. Written notice sent to the charged student’s electronic and/or physical address listed in the Registrar’s records shall constitute full and adequate notice. Written notice shall include:
   1. The student’s name and address.
   2. Date, time and location and nature of the proceeding of the formal hearing.
   3. The rule(s) of conduct allegedly violated as known at the time formal charges are prepared.
   4. Names of potential witnesses known at the time formal charges are prepared.
   5. A description of any written or physical documentation known at the time charges are prepared.

(b) The student may have at his or her own expense and initiative, an advisor present at the hearing. It is the student’s responsibility to make appropriate arrangements for the advisor to attend the hearing, and the hearing shall not be delayed due to scheduling conflicts of the chosen advisor. The advisor may be present to advise the student but shall not speak for or present the case for the student or otherwise participate directly in the proceeding. A student organization may consult with their advisor at any time during the hearing. This consultation must take place in a
manner that does not disrupt the proceedings. A student organization’s advisor must not be connected to the actual conduct case or a related case. In addition, an advisor may not serve as a witness. If the advisor does not adhere to their defined role in the student conduct review process, they may be removed from the hearing. The Office of Student Conduct shall maintain a list of impartial advisors and resources available to the student.

(c) All hearings shall be conducted on the basis that the charged student is not in violation until the preponderance of evidence proves otherwise. At a hearing, the technical rules of evidence applicable to civil and criminal cases shall not apply. The burden of proof in a formal hearing is not on the student charged with a violation of the Rules of Conduct.

(d) The student may inspect any information presented in support of the charges at least 3 business days before the formal hearing. Information may be presented in support of the student. The University also has the right to review any information the student intends to use at least 3 business days before the formal hearing.

(e) The University cannot compel any person to attend a formal hearing. However, all parties may arrange for witnesses to voluntarily present relevant information during the proceeding. Pertinent information may be accepted as information for consideration by the person or body conducting the hearing. The student may hear and question adverse witnesses who testify at the hearing.

(f) The student shall not be forced to present self-incriminating information; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal case. The University’s formal hearing is not a criminal or judicial proceeding and is designed to address student behavior; therefore, alleged violations of the UCF Rules of Conduct will be addressed independently of any outcome imposed by the courts for the criminal offense.

(g) The proposed finding, as well as the Director of the OSRR’s or designee’s determination, of “in violation” or “not in violation” on the charges shall be based solely on the information presented at the formal hearing.
Should the proposed finding of the formal hearing body be that the student is in violation; prior conduct history will then be reviewed and may affect proposed sanctioning.

The results of any formal hearing shall be made available to the student within seven (7) business days following the hearing (deadline can be extended by mutual agreement of the charged student and the Director of the OSRR or designee). For academic integrity cases, the results of any formal hearing shall be made available to the student within fourteen (14) business days following the hearing.

The student’s enrollment status shall remain unchanged pending the University’s final agency action in the matter, except in cases where the VP of SDES or designee determines that the safety, health, or general welfare of the student, any individual, or any part of the University may be involved.

5. Sanctions

(a) Disciplinary Warning: An official warning that the student’s behavior is in violation of the UCF Rules of Conduct, and that if the student is subsequently found in violation of a rule while on disciplinary warning; subsequent action may be more severe.

(b) Disciplinary Probation: Disciplinary probation status shall be for a specific length of time in which any further violation of the rules of conduct puts the student’s status with the University in jeopardy. If the student is found “in-violation” for another violation of the rules of conduct, while on disciplinary probation, more severe sanctions may be imposed such as suspension or expulsion. Restrictive conditions may be imposed and vary according to the severity of the offense. While on disciplinary probation, restrictive conditions may include, but may not be limited to the following: loss of good standing, which may become a matter of record; denial of the privilege to occupy a position of leadership or responsibility in any University student organization, publication, or activity, or ability to represent the University in an official capacity or position; trespass of University facilities or other areas of campus or contact with another specified person(s). Under disciplinary probation, the student may continue to be enrolled classes and is given a chance to show capability and willingness to live in accordance with University
rules. However, if the student is subsequently found in violation of a rule while on
disciplinary probation, the University may suspend or expel the student from the
University. While on Disciplinary Probation, a hold will be placed on a student’s
record for record keeping purposes.

(c) Disciplinary Suspension: A student involved in an offense warranting consideration
of action more serious than disciplinary probation or one involved in repeated
misconduct may face suspension. During the period of suspension, a student may
not be enrolled in classes, participate in University related activities, whether they
occur on or off campus. A student under disciplinary suspension may not otherwise
be present on University premises unless authorized in writing in advance under
conditions approved by the Director of the OSRR or designee. In determining if
and to what extent suspended students shall be authorized to be on University
premises, the Director of the OSRR or designee shall consider whether the
suspension creates an undue hardship on the suspended student in regard to
considerations that include, but are not limited to, the medical needs of the student.
An overlay will be placed on a student’s record during the period of suspension.
Further, while on disciplinary suspension, a hold will be placed on a student’s
record for record keeping purposes. All assigned educational sanctions must be
completed prior to the conclusion of disciplinary suspension; otherwise the
disciplinary suspension will remain in effect.

(d) Disciplinary Expulsion: Expulsion is a sanction which removes the student from
his/her academic program and permanently separates a student from the University
of Central Florida without opportunity to graduate or re-enroll at the university in
the future. An overlay will be permanently placed on the student’s record. Further,
a hold will be permanently placed on a student’s record for record keeping
purposes.

(e) Educational Requirements: In conjunction with a sanction listed above, a student
found to have been in violation of any of the Rules of Conduct will be assigned
educational requirements such as, but not limited to, reflective/research papers,
classes/seminars, community service, interviews, etc. If a student has any
outstanding educational requirements at the conclusion of disciplinary probation or
suspension, a student’s disciplinary probation or suspension status and hold will remain in effect pending the completion of the educational requirements.
UCF-5.010 Student Conduct Appeals

1. Appeals Within the Student Conduct Review Process

(a) Students found in violation as a result of a hearing may appeal the finding(s) and sanction(s) imposed. The appeal must be made in writing to the Appellate Officer (VP of SDES or designee) within seven (7) business days after the date the student was notified of the decision by the Director of the OSRR or designee. The appeal form can be found at [http://osc.sdes.ucf.edu/resources](http://osc.sdes.ucf.edu/resources).

(b) Students may appeal the finding and sanction(s) imposed on the basis of one or more of the following:

1. Irregularities in fairness and stated procedures of the hearing that could have affected the outcome of the hearing.

2. Discovery of new and significant information that could have affected the outcome of the hearing and that was not known or could not reasonably have been discovered and/or presented at the time of the initial hearing.

3. The sanction(s) are extraordinarily disproportionate to the violation(s).

(c) On the appeal form, the student must state the reason(s) for appeal, supporting facts, and the recommended solution. This is not a re-hearing of the conduct case. An appeal cannot be filed simply because a student is dissatisfied with the decision. Failure to describe the nature of the information in full detail in the appeal letter will result in the denial of an appeal.

(d) The Appellate Officer shall first determine if sufficient grounds for appeal exist and then, if so, may either deny the appeal, thus sustaining the initial decision and sanction(s) or do one of the following:
1. If the student alleges that the sanction was disproportionate to the violation(s) and the appellate officer finds the sanction to be disproportionate, the appellate officer may reduce the sanction.

2. If the student alleges that there was a defect in procedure or new information was presented which was sufficiently substantial to have affected the outcome, the appellate officer will order a new hearing.

(e) The student shall receive a written decision to the appeal. There is no definitive timeline for receiving an appeal response. It depends on many factors including the complexity of the case and the information mentioned in the appeal, as well as the Appellate Officer’s appeal load at that particular time. Decisions of the VP of SDES or designee reflect final agency action.

(f) The Office of Student Conduct cannot place an overlay on the student’s record until the appeal decision is completed or if the student chooses not to appeal. At such time, if appropriate, a hold, and/or overlay, is placed on the student’s record. If the Appellate Officer upholds the original findings, the effective date of any disciplinary sanction(s) imposed will revert back to the date of the Director of the OSRR’s or designee final decision letter.

1. Appeals Within the Student Conduct Review Process-Victims

(a) Victims of sexual assault, dating violence, domestic violence, and stalking may appeal the finding(s) and sanction(s) imposed of a student conduct formal hearing. The appeal must be made in writing to the Appellate Officer (VP of SDES or designee) within seven (7) business days after the date both the charged student and victim were notified of the decision by the Director of the OSRR or designee. The appeal form can be found at http://osc.sdes.ucf.edu/resources.

(b) Victims may appeal the finding and sanction(s) imposed on the basis of one or more
of the following:

1. Irregularities in fairness and stated procedures of the hearing that could have affected the outcome of the hearing.
2. Discovery of new and significant information that could have affected the outcome of the hearing and that was not known or could not reasonably have been discovered and/or presented at the time of the initial hearing.
3. The sanction(s) are extraordinarily disproportionate to the violation(s).

(c) On the appeal form, one must state the reason(s) for appeal, supporting facts, and the recommended solution. Failure to describe the nature of the information in full detail in the appeal letter will result in the denial of an appeal.

(d) The Appellate Officer shall first determine if sufficient grounds for appeal exist and then, if so, may either deny the appeal, thus sustaining the initial decision and sanction(s) or do one of the following:

1. If the victim alleges that the sanction was disproportionate to the violation(s) and the appellate officer finds the sanction to be disproportionate, the appellate officer may alter the sanction.
2. If the victim alleges that there was a defect in procedure or new information was presented which was sufficiently substantial to have affected the outcome, the appellate officer will order a new hearing.

(e) The victim and charged student shall receive a written decision to the appeal concurrently. There is no definitive timeline for receiving an appeal response. It depends on many factors including the complexity of the case and the information mentioned in the appeal, as well as the Appellate Officer’s appeal load at that particular time.

Decisions of the VP of SDES or designee reflect final agency action.
2. Disciplinary Sanction Review Request (Probation/Suspension)

(a) Upon completion of one semester of disciplinary probation and one semester of disciplinary suspension and upon completion of all educational requirements, a student has the opportunity to request a review of their disciplinary probation or disciplinary suspension status.

(b) Requests must be submitted to the Director of the OSRR or designee via an online Disciplinary Sanction Review request form available at http://osc.sdes.ucf.edu/form-sanction. This request can only be submitted once a semester.

(c) This request is intended to provide a student with the opportunity to discuss in writing what they have done to proactively address their behavior while on disciplinary probation or disciplinary suspension.

(d) In considering this request the student should provide information showing how they have been going above and beyond the basic requirements of their sanction(s). Students that simply fulfill the minimum requirements of their sanction(s) will not be subject for a disciplinary sanction review.

(e) A request for a disciplinary sanction review should include, but is not limited to information such as the following:

1. Positive change in ethical decision making and personal accountability
2. Proof of counseling or assessment (if applicable)
3. Involvement in educational programs and academic progress
4. Community involvement and service

(f) Upon receipt of the request, the Director of the OSRR or designee will review to determine whether or not the student meets criteria for review. If the Director of the
OSRR or designee agrees that the student’s request meets any or all of the above mentioned criteria, the student will be contacted within fourteen (14) business days to schedule a “disciplinary sanction review meeting” with a committee appointed by the Director of the OSRR or designee, comprised of an equal number of faculty, staff and students.

(g) At this meeting, the student will have the opportunity to further discuss with the committee why their disciplinary probation or suspension status should be altered or terminated. No alterations shall be made to include new or increased sanctions. Should the committee feel that further information and/or documentation is necessary in order to render a recommendation, the review may be temporarily recessed. A time frame of not more than two (2) weeks will be given to the student to produce requested information and/or documentation. Upon receipt of the requested information and/or documentation, the committee will reconvene the review with the student.

(h) After the meeting, the committee will issue a recommendation to the Director of the OSRR or designee. The Director of the OSRR or designee will provide a decision to the student in writing within five-seven (5-7) business days of receiving the recommendation.

(i) If the request is denied by the Director of the OSRR or designee the decision shall include a concise and explicit written statement that explains the basis for that decision and suggested action items for the student’s success.

(j) There is no appeal process for a Disciplinary Sanction Review.

3. Sealing of Records

(a) A student’s conduct record is eligible to be sealed if the incident(s) in question are
minor and do not result in suspension or expulsion and where further violations would not likely result in suspension or expulsion from the university.

(b) A student conduct record may be sealed upon the successful submission and review of appropriate paperwork to the Office of Student Conduct. The form is located at http://osc.sdes.ucf.edu/form-sealing.

(c) The factors influencing the decision by the Director of the OSRR or designee for sealing are the severity of the violation, effect of the violation on the University community, sanctions applied, completion of sanctions, and ethical development demonstrated by the student.

(d) There is no appeals process regarding student conduct record sealing.