

5.006 Student Rights and Responsibilities

1. Student Rights.

Upon enrollment, students are entitled to the following freedoms and rights, provided the exercise thereof is accomplished in accordance with University procedures and does not result in disruption or disturbance as elsewhere described in the Regulations.

- (a) Participation in Student Government Association and its elective process.
- (b) Membership in student organizations.
- (c) Freedom of expression. The basic freedoms of students to hear, write, distribute, and act upon a variety of thoughts and beliefs are guaranteed. Freedom of expression carries with it the responsibility for seeing that the essential order of the University is preserved.
- (d) Freedom to hold public forums. The University desires to create a spirit of free inquiry and to promote the timely discussion of a wide variety of issues, provided the views expressed are stated openly and are subject to critical evaluation. Restraints on free inquiry are held to a minimum and are consistent with preserving an organized society in which peaceful, democratic means for change are available. Guest lecturers or off-campus speakers sponsored by student groups may appear on the UCF campus following arrangements with the designated University authority for such appearances.
- (e) Freedom to hear, write, distribute, and act upon a variety of thoughts and beliefs. This freedom is subject to the following regulations:
 - 1. Written materials identified by authorship and sponsorship may be sold or distributed on campus within the guidelines of propriety and responsible journalism as established and supervised by the University Board of Publications which is appointed by the President or designee. The distribution of such material, as is arranged by the Director of Office of Student Involvement, is permissible for student organizations provided steps have been taken to preserve the orderliness of the campus.
 - 2. Non-university or off-campus printed materials shall not be distributed or circulated by students or student organizations without first being stamped by the office of the Director of the Office of Student Involvement.

3. The distribution of materials or circulation of petitions to captive audiences such as those in classrooms, at registration, in study areas or in residential units is not allowed without prior permission. Such permission may be requested from the appropriate University official.
- (f) Peaceful assembly. Student gatherings must neither disrupt or interfere with the orderly educational operation of the institution, nor violate state or local laws, or University regulations.
 - (g) Fair and impartial hearing. These matters shall include, but not be limited to:
 1. Disciplinary proceedings involving alleged violation of academic and nonacademic regulations.
 2. Refunds and charges. The status of a student charged with a violation of University regulations shall not be affected pending final disposition of the charges except in the case of administrative action. For specific procedures and rights of students during the student conduct process, see later section entitled "Student Conduct Review Process."
 - (h) Confidentiality of student records. Each University office and agency which generates, collects, and disseminates information on students must follow the guidelines for confidentiality of those records in their possession. For further information see "Student Record Guidelines."

2. Provisions for Responding to Incidents Involving Acts of Violence

The University of Central Florida strongly encourages individuals to report any acts of violence including, harassment, sexual violence, relationship violence, physical harm and stalking to appropriate university or law enforcement officials. The Office of Student Rights and Responsibilities is responsible for educating students about their rights and responsibilities as students at the University of Central Florida. The Office of Student Rights and Responsibilities is available to assist students who are victims of crime or violations of the Rules of Conduct which are committed by University of Central Florida students. The office can also provide educational programs on related topics and refer individuals who are victims of crimes to campus support services. The Office of Student Rights and Responsibilities is also concerned with the well-being and rights of students who are victims in the university community.

Reporting Options:

Reports of sexual misconduct or sexual harassment (including sexual violence) by a UCF student or UCF student organization may be filed through the University's student conduct review process (Office of Student Conduct www.osc.sdes.ucf.edu) or through the University's Equal Opportunity & Affirmative Action Office <http://www.eeo.ucf.edu/> in addition to or aside from pursuing criminal charges. Reports of all other abusive conduct by a UCF student may be filed with the Office of Student Conduct (www.osc.sdes.ucf.edu) in addition to or aside from pursuing criminal charges.

Any University of Central Florida student who has been harassed, sexual assaulted, physically harmed or stalked is strongly encouraged to contact the local police department (University of Central Florida Police Department www.police.ucf.edu, Orange County Sheriff's Office <http://www.ocso.com/>, Seminole County Sheriff's Office <http://www.seminolesheriff.org/>, City of Orlando Police Department <http://www.cityoforlando.net/police/>) or other local law enforcement authorities where such harassment, assault, stalking, and/or harm occurred.

Resources:

UCF recognizes the importance of offering assistance and support for individuals who feel they are a victim of a violent act committed by a student or student organization of the University of Central Florida. Individuals are also highly encouraged to contact the University's Counseling and Psychological Services (CAPS <http://caps.sdes.ucf.edu/>), the University Health Center (<http://hs.ucf.edu/>) Student Care Services (<http://scs.sdes.ucf.edu> and www.ucfcares.com) or the University Victim Services office (<http://victimservices.ucf.edu/>) for any counseling, health care or other advocacy services.

Interim Measures:

Upon the University's receipt of a report of harassment, sexual misconduct, relationship violence, physical harm or stalking, the University will impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved. The University will maintain consistent contact with the parties to ensure that all safety, emotional, and physical well-being concerns are being addressed. Interim measures may

be imposed regardless of whether formal disciplinary action is sought by the victim or the University.

The University, at its discretion, will implement interim measures for individuals involved including but not limited to:

- (a) issuing a no contact order
- (b) access to counseling services and assistance in setting up an initial appointment
- (c) providing alternative course completion options
- (d) assistance from University support staff in completing housing relocation
- (e) providing an escort to ensure safe movement between classes and activities

If the Director of the Office of Student Rights and Responsibilities or designee, upon notifying the Vice President of Student Development and Enrollment Services decides at any point that the well-being of a student or of any member of the University community is at stake, an interim suspension may be imposed on a student or student organization who is suspected of violating the Rules of Conduct or Organizational Rules of Conduct as outlined in the Golden Rule [section UCF-5.009 (1) (a), UCF-5.013 (1)(a)].

Conduct Process:

The University has an obligation under Title IX to investigate reports of sexual misconduct and harassment (including sexual violence) and take prompt and appropriate action. If a victim does not wish to come forward, it will limit the University's ability to take action. For reports received regarding cases of sexual misconduct and harassment (including sexual violence) against students or student organizations, the Deputy Title IX Coordinator within Student Development and Enrollment Services assists in conducting an investigation, recommending corrective action and serving as a point of contact to direct students to appropriate campus and community resources.

Victims may choose whether or not to pursue any action through the University student conduct review process. Victims who do choose to pursue the University student conduct review process may choose how to proceed within the student conduct review process. If a victim of sexual misconduct or harassment (including sexual violence) requests confidentiality or asks that the matter not be pursued, the University will determine whether or not the matter will be pursued by means of the student conduct review process within a reasonable time frame from the receipt of

the incident report. The University may proceed with conduct action without the victim's consent if the alleged behavior renders others in reasonable fear of physical harm or creates a hostile environment in which others are unable to conduct or participate in University work, education, research or other activities, or otherwise adversely affects the accused student's or student organization's suitability as a part of the University community. If the decision is made to proceed, the charged student and/or charged student organization and the victim will be notified of alleged charges and each provided an appointment date to discuss the matter with the Office of Student Conduct. At that point, the victim can choose whether he or she will participate or not in the University student conduct review process (See UCF 5.009 and 5.013 for information regarding the Student Conduct Review Process.)

To encourage reporting, any individual (including a bystander or third party) who reports sexual misconduct or harassment (including sexual violence) will not be subject to disciplinary action by the University for one's own personal use of alcohol or other drugs at or near the time of the incident provided that any such violations did not harm or place the health or safety of any other person at risk. The University may offer support, resources, and educational counseling to such an individual.

The University will provide due process to students or student organizations accused of harassment, sexual violence, relationship violence, physical harm and stalking. (See UCF 5.009 and UCF 5.013 for more information regarding the student conduct review processes for students and student organizations.)

Accommodations in Student Conduct Hearings:

Individuals who feel they are a victim of harassment, sexual violence, relationship violence, physical harm and stalking whose cases are handled by the Office of Student Conduct in a formal administrative or panel hearing have certain rights in the student conduct review process as listed below should they choose to participate in the process. Administrative and panel hearing officers who hear cases of sexual violence, harassment, relationship violence, physical harm and stalking cases receive annual training on how to conduct fair and impartial hearings for these types of cases. The following provisions are designed to provide a fair process for both parties while also ensuring victims protections under Title IX

(http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html) and the Campus SaVE Act

<http://campussaveact.org/>). The University shall provide notice of these rights to the victim at least five (5) business days before a formal disciplinary hearing is conducted through the University student conduct review process. Victim rights include the following:

- (a) A victim may have a person of her or his choice accompany her or him throughout the Student Conduct Review process. This person will act as a support person or advisor but will not represent the victim or address witnesses, accused student, accused student organization, panel, administrator or any other party or otherwise directly participate in the hearing. A victim shall be notified of the available assistance at the University of Central Florida.
- (b) A victim will be afforded similar and timely access to any information that will be used during the Student Conduct Review Process.
- (c) A victim will receive notice to attend a preliminary conference meeting with the Office of Student Conduct and be informed of the available resolution options in the Student Conduct Review Process.
- (d) A victim may submit a list of questions related to the alleged incident, prior to the hearing, that she or he feels the charged student or charged student organization should be asked during the hearing process.
- (e) A victim will have an opportunity equal to that of the charged student or charged student organization to present relevant witnesses and other information during the Student Conduct Review Process.
- (f) A victim may not have her or his irrelevant past conduct, including sexual history, discussed during the hearing. The issue of relevancy shall be determined by the hearing panel or the hearing officer.
- (g) A victim will be provided access to participate, view and hear the entire formal hearing whether in person, via videoconference or telephone or by other means available.
- (h) A victim will not be questioned directly by the charged student or charged student organization during the Student Conduct Review Process. All questions shall be asked through a hearing officer.
- (i) A victim may make a “victim impact statement” and suggest an appropriate disciplinary sanction: warning, probation, suspension, or expulsion (see section 5.009 (5) for more information regarding disciplinary sanctions for students, see

section 5.013 (5) for more information regarding student organization disciplinary sanctions) to include appropriate compensations if the charged student or charged student organization is found to have been in violation of the Rules of Conduct or the Organizational Rules of Conduct.

(j) A victim and the charged student or charged student organization will be informed of the outcome of the student conduct review, any outcomes, and appeal process concurrently in writing. The victim will be informed of the outcome of the hearing and the outcome of any appeal without a commitment to protect the confidentiality of the information, pursuant to the Clery Act Regulations, 34 CFR 668.46(b)(11). The "final outcome" means only the final determination with respect to the alleged offense and any sanction that is imposed against the charged student or student organization. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin shall be treated as the alleged victim for purposes of this paragraph. The University will provide the written determination of the hearing, appeal outcomes, and any changes to the result before it becomes final to the victim.

(k) A victim has the right to appeal the outcome of the Student Conduct Review Process on the basis outlined in the Student Conduct Appeals section UCF-5.010 and 5.013.

(l) A victim will be given periodic status updates throughout the Student Conduct Review Process, which generally takes sixty (60) calendar days following receipt of an incident report.

Possible Sanctions:

Any student or student organization found in-violation of the Rules of Conduct for sexual harassment, stalking, relationship violence, and sexual assault is subject to disciplinary action from UCF including but not limited to disciplinary probation, disciplinary suspension, or disciplinary expulsion. In addition to issuing punitive sanctions, educational requirements such as but not limited to attendance at seminars, workshops, presentations, writing papers, and conducting interviews on what constitutes consent and other relevant topical areas will also be imposed. Any student organization found in-violation of the Organizational Rules of Conduct for sexual harassment and/or sexual assault is subject to disciplinary action from UCF including but not limited to organizational probation,

organizational suspension, or recommendation of charter revocation. In addition to issuing punitive sanctions, educational requirements such as but not limited to attendance at seminars, workshops, presentations, writing papers, and conducting interviews on what constitutes consent and other relevant topical areas will also be imposed. The standard used to determine responsibility is a preponderance of the evidence, that is, whether it is “more likely than not” that charged student or charged student organization violated University policy. It is also a violation of University policy to engage in any form of retaliation or intimidation in connection with complaints of sexual harassment, stalking, relationship violence and sexual assault. Any such acts of retaliation or intimidation by a UCF student should be reported to the Office of Student Conduct. The same penalties may be imposed for retaliation as for the alleged violence.

3. Student Responsibilities.

The most basic responsibility of a student is to study and move forward in intellectual development, while taking advantage of the many opportunities provided in this University environment for total personal growth, development and maturation.

- (a) Students and organizations are responsible for the observation of all University policies and regulations.
- (b) Rights and freedoms in any environment are protected through exercised responsibilities and maintained through an established system for justice. The ideal balance of control for liberties is strongly weighted toward understanding and observing regulations as acts of individual responsibility, not always because of agreement, but because compliance also serves the best interests of all and helps in the completion of stated individual and University objectives.
- (c) The University has compiled student-governing information in this handbook and has distributed it to help provide direction and awareness for the academic community. It is each student’s responsibility to become aware of and learn its regulatory content and procedures for dealing with problems which may arise in the course of educational progress.
- (d) When University regulations are judged to no longer serve the best interests of all; the consideration for change should be introduced through appropriate channels.

- (e) Within the University, emphasis is placed on the development of each individual's recognition and acceptance of personal and social responsibilities.
- (f) High ethical and moral standards of conduct are a part of the University's mission and its contribution to the well-being of society.

4. Smoking. While on UCF property, students will uphold the smoke-free campus policy (<http://smokefree.sdes.ucf.edu/>) to ensure a healthy and clean environment for everyone. Smoking of any kind is prohibited in all facilities and areas of the UCF campus.

5. Alcohol Emergencies. The University of Central Florida highly encourages students and student organizations to call for medical assistance whenever an individual experiences severe intoxication or serious injury after consuming alcohol. Students and student organizations may be reluctant to call for help for themselves or others due to potential involvement from the UCF Police Department or the Office of Student Conduct. Due to the serious or life-threatening nature of these medical emergencies, the University of Central Florida urges students to contact emergency medical services or the UCF police department if alcohol-related medical emergencies arise. The University's primary goal is to create a safe environment for its students. Procedures and expectations regarding these incidents have been outlined in the Office of Student Conduct Rules of Conduct Alcoholic Beverages section and the Organizational Rules of Conduct section.

6. Student Care Services. In order to provide comprehensive and consistent care for students experiencing academic, financial or personal challenges, Student Care Services provides support to students of concern identified as needing additional on-campus or off-campus resources. Student Care Services reviews referrals from students, faculty, staff and UCF community members who are concerned about behavior exhibited by a student. The goal of Student Care Services is to intervene and support the student before a situation reaches crisis level.

- (a) Student Care Services will reach out to the student of concern to assess what resources would be beneficial to the student and collaboratively develop an action plan with the student to reduce obstacles affecting their success at UCF. Student Care Services will assist the student in coordinating with campus resources currently being utilized and then will work with the student to monitor progress.

Depending upon the circumstances, the referring person may receive feedback about the student's action plan.

- (b) In order to support student success, Student Care Services may utilize additional campus resources to assist the student. This may include collaboration with the Student of Concern Committee (SOCC), a multidisciplinary group that reviews potential concerns presented by the UCF community regarding student behavior. SOCC offers additional knowledge of university resources and procedures and may make further recommendations regarding action plan items for student success. Students of concern are presented to the committee at the discretion of the Student Care Services or Director of Student Rights and Responsibilities.
- (c) Student Care Services has additional campus support systems in place to assess students engaging in behavior that may pose a risk to themselves or others. This includes the University Crisis Committee, Mandated Assessment Procedure, and the Involuntary Withdrawal Procedure.

7. University Crisis Committee. The University may refer students who are viewed to be engaging in behavior(s) that poses risk to themselves or others to the Crisis Committee for possible action. Such behaviors include, but are not limited to: suicidal behavior, self-injury, threats to harm others, disruptive behavior, disordered eating, and endangerment to the community.

- (a) The Director of OSRR or designee will convene the crisis committee members in order to review each case and decide on the best course of action. The Crisis Committee is composed of the following persons and/or their designee(s): Health Services Director, Counseling and Psychological Services Director, Associate Director of Safety and Security for University Police, Director of the Office of Student Rights and Responsibilities, Student Care Services, Office of Student Conduct Representative, Associate Dean for Academic Services, and the Director of Housing and Residence Life.
- (b) Various campus units may enlist the services of the Committee. These include Housing and Residence Life, Health Services, Student Disability Services, Counseling and Psychological Services, Recreation and Wellness Services, Office

of Fraternity and Sorority Life, Athletics, Alcohol and Other Drug Programming Office, University Police, and the Office of Student Conduct. In the event that a student's behavior raises concern about risk of danger to self or others, the involved unit will contact the Director of OSRR or designee. The Director of OSRR or designee will then contact Crisis Committee members to convene a meeting in order to review the case and decide on the best course of action.

- (c) The role of the Health Services Director and the Counseling and Psychological Services Director on the Crisis Committee will be consultative in nature. When possible, the Health Services Director and the Counseling and Psychological Services Director will not confer on a case for which they are (or have been) serving in a direct provider relationship with the involved student. When the involved student has been a client with UCF Counseling and Psychological Services, the Director will maintain the confidentiality of the student's clinical information and will make recommendations for action based solely upon the information provided in the Crisis Committee meeting.

8. Mandated Assessment Procedure. This University procedure is established for behaviors or actions that result in hospitalization from imminent danger to self or others via the Baker Act (F.S. 394.463) or Marchman Act (Chapter 397, Florida Statutes), significant acts or threats of violence to others, chronic eating disorders, dramatic and/or expansive displays of self-mutilation, behaviors that are significantly disruptive to the UCF community and /or diminish the ability of a student to care for him/herself. Whenever the UCF Police provide transportation of a UCF student to the hospital for involuntary examination, the police will file a report with the OSRR. In addition, anyone may also file reports about students of concern with Student Care Services.

- (a) Once a report is received, the Director of OSRR or designee may notify and consult with designated representatives of the UCF Counseling and Psychological Services or Student Health Services and/or the University Crisis Committee to review the severity of the student's behavior for potential of continued risk to the campus community. A determination will be made whether a mandated assessment and/or physical assessment is needed to help the student in their specific situation or whether some other more stringent, protective action is

appropriate to protect both the welfare of the student and the community. The mandated assessment session(s) may be used to evaluate the student's risk of harm to self or others, and to take appropriate actions to ensure the safety of the student or others if risk is present. In addition, the mandated assessment session(s) are designed to assist students in developing a safety and/or well-being plan and provide students with educational resources. The Director of OSRR or designee will contact the student in a timely manner and require an initial meeting between an OSRR representative and the student to inform the student of their rights and responsibilities regarding the incident.

- (b) All students identified as threatening self-harm or having attempted suicide must complete a mandated assessment with a licensed mental health professional and/or a physical assessment with a licensed medical provider. Examples of a licensed mental health professional include a UCF Health Services psychiatrist, a UCF Counseling and Psychological Services clinician, or a community based counselor or psychiatrist of the student's choice. Before the mandated assessment is conducted, the Director of OSRR or designee will first obtain an *Authorization to Release/Exchange Confidential Information form* from the student to provide the licensed mental health professional and/or licensed medical health professional conducting the assessment with background information relevant to the reason for the mandated assessment. The Director of OSRR or designee will require proof of participation for the mandated assessment with a licensed mental health professional and/or proof of a physical assessment with an appropriate medical provider. Failure to comply may result in the convening of the University Crisis Committee to consider the initiation of the Involuntary Withdrawal Procedure.
- (c) In cases where more protective action is needed based on more severe behavior/conduct (e.g., behaviors/actions towards killing self, behavior endangering others, threats to harm others, behavior significantly disruptive to the UCF community), the Director of OSRR or designee may initiate one or both of the following:
 1. Interim Suspension followed by initiating the Student Conduct Review process.

2. Convening of the University Crisis Committee to consider the initiation of the Involuntary Withdrawal Procedure.

9. Involuntary Withdrawal Procedure. A student who poses a serious danger of imminent or serious physical harm to himself/herself or others on property at the University may be involuntarily withdrawn from the University by the Director of OSRR or designee upon appropriate notification and consultation from the University Crisis Committee and the Vice President for SDES.

- (a) This notification is received in the form of an incident report to the Office of Student Rights and Responsibilities, or a psychiatric evaluation filed with the UCF Police Department. The student will be withdrawn if the Director of OSRR or designee concludes, on the basis of preponderance of evidence that the student engages or threatens to engage in behavior that may:
 1. Pose a significant danger of causing harm to others;
 2. Cause significant property damage or interfere with the educational environment of others at the university; or
 3. Demonstrate an inability to care for his/her daily physical or mental wellbeing without assistance and has failed to secure such assistance.
- (b) The Director of OSRR or designee reserves the right to impose an immediate and interim withdrawal (the equivalent of a summary suspension), prior to the review of all information, if the Director of OSRR or designee concludes that the student poses a threat to the welfare of any individual, the student body, or any part of the University or its community. In such cases, there will be a scheduling of a hearing within three (3) calendar days to determine the status of interim withdrawal. At this hearing, the student shall be offered an opportunity to provide documentation from an appropriate healthcare provider of their choice who has conducted a proper assessment.
- (c) The Director of OSRR or designee will call a meeting of the University Crisis Committee at the earliest possible date. The student may be present at this meeting and may present information in support of his/her case. Following the student's presentation, the committee shall convene in executive session. At the conclusion of this proceeding, the committee shall make a recommendation to the

Director of OSRR or designee whether to withdraw the student, reinstate the student, or reinstate the student with conditions.

- (d) The Director of OSRR or designee will make a final decision regarding the student's enrollment status and notify the student in writing within 24 hours of the Crisis Committee's recommendation.
- (e) A student subject to involuntary withdrawal is entitled to the following:
 1. Notice of intent to remove the student pursuant to this policy stating the reasons for the action.
 2. The opportunity to examine the psychiatric or other evaluations provided to the committee and to discuss them.
 3. The opportunity to present relevant information for consideration of his/her case personally, or by a health professional working with that student, if the student is not capable of self-representation.
 4. The opportunity to have an advisor of the student's own choice accompany the student.
 5. The right to appeal.
- (f) In the event a student disagrees with the decision of the Director of OSRR or designee, the student may appeal the finding. The appeal must be made in writing to the Vice President of SDES, or designee, within three (3) business days after the date of the notification to the student of the decision. The Vice President of SDES, or designee, shall, within three (3) business days, sustain the initial decision or remand the case to the Crisis Committee for re-consideration.
- (g) Upon being withdrawn, the student may no longer enroll in classes, may not be an active member of a registered Student Organization, may no longer use University facilities, must vacate University owned or affiliated housing, and may be entitled to whatever refunds of tuition, fees, and room and board charges as would be appropriate given the timing of the withdrawal.
- (h) Students who are involuntarily withdrawn from the University shall have a hold placed on their records, which will prevent them from being readmitted or reenrolled in the institution except as stated in this paragraph. A student may request readmission or reenrollment at the University and provide the Director of OSRR or designee with documentation from an appropriate healthcare provider of

their choice who has conducted a proper assessment of the student and concluded that the student does not pose a serious threat to others. In cases where the Director of OSRR has imposed other conditions for readmission, it is the responsibility of the student to provide documentation of compliance with such conditions.

- (i) A student who is not involuntarily withdrawn may be subject to conditions to continue enrollment at the University. In such cases, the student will be provided with a written summary of conditions and must meet all conditions in order to maintain student status. A student who fails to meet such conditions will be subject to involuntary withdrawal by the Director of the Office of Student Rights and Responsibilities, or designee, or will be subject to charges through the University's Student Conduct Review Process for failure to comply.
- (j) The current medical withdrawal process should not be used to handle withdrawals related to mental health issues where an imminent threat to the community is evident or a violation of the Golden Rule has allegedly occurred. However a student could choose to pursue a medical withdrawal within six (6) months of the end of the semester. As a general principle, the regular Student Conduct Review Process and its policies and practices are preferred in serious instances of misconduct, without regard to whether there might be mental health issues present. The procedures and specifications given in this regulation are to be employed in those extraordinary situations in which, in the judgment of the appropriate administrative officers, the regular Student Conduct Review Process is not applicable or cannot be applied.