



# THE GOLDEN RULE STUDENT HANDBOOK

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2019-2020



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**To All University of Central Florida Community Members:**

The University of Central Florida is a community brought together by the tenets of the UCF Creed: Integrity, Scholarship, Community, Creativity, and Excellence. These are the values that guide our conduct, performance, and decisions. To be successful at UCF, there is an expectation that you embrace and promote these core values in everything you do as a sign of your membership in the UCF community.

Whether you are a new or continuing undergraduate, graduate or professional student at UCF, there are certain responsibilities that you must uphold as a member of our community. **The Golden Rule** is a compilation of policies and procedures from different university areas intended to define your rights and responsibilities as a student and provide you with a better understanding of your role as a member of the UCF community.

**The Golden Rule** is published once a year but can be revised at any time to reflect new and modified information deemed critical by the University. Changes will be communicated through online resources and other means, at which time the revisions will supersede published information.

The Office of Student Rights and Responsibilities (OSRR) within the Division of Student Development and Enrollment Services (SDES) is delegated the responsibility for reviewing, assembling, and communicating information included in **The Golden Rule**. Students are given the opportunity to influence the rules that they are expected to adhere through the Golden Rule Review Committee.

UCF values diversity and inclusion of all in our community. Accordingly, the University prohibits discrimination on the basis of race, color, ethnicity, national origin, religion, non-religion, age, genetic information, sex (including pregnancy and parental status), gender identity or expression, sexual orientation, marital status, physical or mental ability (including learning disabilities, intellectual disabilities), political affiliations, veteran's status or membership in any other protected classes as set forth in state or federal law.

For more information or further clarification, please contact OSSR at 407-823-4638, visit their website, <http://osrr.sdes.ucf.edu> for the most current version of **The Golden Rule** or email them at [osrr@ucf.edu](mailto:osrr@ucf.edu).

Go Knights! Charge ON!

Maribeth Ehasz, Ph.D.  
Vice President  
Student Development and Enrollment Services

## **The Golden Rule Review Committee (GRRC)**

This committee shall be established for the purpose of responding to the changing needs of the student body with regard to the Golden Rule. It is intended to give the students a voice in determining the rules to which they shall adhere.

a. Membership

1. Membership to the committee shall consist of 7 students, 4 of which shall be appointed by the Student Body President and 3 shall be selected by the Vice President for Student Development and Enrollment Services.
2. There shall be an application and selection process established by the Office of Student Rights and Responsibilities.
3. An eighth (8th) member of the Golden Rule Review Committee shall be appointed by the Vice President for Student Development and Enrollment Services. This member shall act as an alternate and shall reserve voting privileges in absence of a voting committee member.
4. It is suggested that the Judicial Advisor of the Student Government Association be considered for appointment to the committee.
  - (i) If the committee is already full, the Judicial Advisor may be included as an additional non-voting member.

b. Ex-Officio

1. Any student enrolled at the University shall be permitted to attend GRRC meetings.
  - (i) These students shall be considered ex-officio.
  - (ii) They also shall have the right to debate on any proposal but shall not have the power to vote.
2. No faculty, staff, and/or administrator shall be considered ex-officio.

c. Advisors

1. At least one representative from the OSRR shall maintain an advisory role in the Committee and shall advise the members of the Committee as well as any student in attendance.
2. Staff members with expertise regarding particular sections of the Golden Rule should make themselves available to advise the members upon the Committee's request.

d. Notification

The existence of the committee shall be publicized to the student body.

1. At the beginning of each semester, a message shall be sent through appropriate distribution channels inviting all students to attend committee meetings.
2. The committee shall maintain a webpage which shall contain information on the meeting times, location, proposals under review and voting records and which shall be clearly linked from the online version of the Golden

Rule and Responsibilities. The proposal shall then be sent to all members of the Committee via e-mail within 48 hours of receiving the proposal.

e. Powers of the Proposal Process

1. The Committee shall recommend changes to the Golden Rule to the appropriate administrative body.
2. Any student may make a proposal to the Committee.
3. All proposals made by faculty, staff, administration, or members of the committee shall be submitted to the representative for Student Rights and Responsibilities.
4. All proposals which are approved by a majority vote of the student members of the committee shall be submitted by the committee in writing to the Vice President for Student Development and Enrollment Services or designee.
  - (i) The Vice President for Student Development and Enrollment Services or designee shall notify the committee in writing of the decision regarding the proposal.
  - (ii) If the Vice President for Student Development and Enrollment Services or designee chooses not to incorporate the proposal into the Golden Rule, he/she shall outline the reasons for choosing not to do so in memorandum.
5. When reviewing sections of the Golden Rule for which the content is mandated by another University document, the Committee may propose changes to sections in such a document which are reflected in the Golden Rule through the appropriate administrative channels.

f. Presence

1. The Committee shall meet at least once each month during the fall and spring semesters
  - (i) All members of the committee shall be notified of the time and place of each meeting.
  - (ii) The Committee shall propose no changes to this section of the Golden Rule which can be construed to eliminate the mandate for the Committee to exist.
2. Quorum shall be defined as the presiding officer, being the Chair or Vice Chair, and at least two additional voting members of the committee.

g. Attendance Policy

At the first meeting of each semester, the committee shall establish its own attendance policy.

h. Transition Policy

At the conclusion of the Spring Semester, the Chair of the Golden Rule Review Committee, or designee, shall create a transition packet for the subsequent Chair.

1. The transition packet shall be provided to the current Golden Rule Review Committee Advisor in both electronic and hard copy form. It is the responsibility of the Advisor to provide this packet to the new Chair upon selection.
2. The transition information should include the following:
  - (i) Leadership Positions of the current committee
  - (ii) Accomplishments
  - (iii) Recommendations
  - (iv) Attendance Policy
  - (v) Sample Meeting Agenda and Minutes

## **UCF-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 Registered 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:
  - 1. Written materials identified by authorship and sponsorship may be sold or distributed on campus within the guidelines of propriety and responsible journalism. The distribution of such material, as is arranged by the Director of Office of Student Involvement, is permissible for registered student organizations provided steps have been taken to preserve the orderliness of the campus.
  - 2. Solicitation, whether printed materials or otherwise, on campus is prohibited except as provided in University Regulation UCF-4.010.
  - 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 proceeding. These matters shall include, but not be limited to:
  1. Disciplinary proceedings involving an alleged violation of academic and nonacademic rules.
  2. Refunds and charges. The status of a student charged with a violation of University rules shall not be affected pending final disposition of the charges except in the case of administrative action (also known as an interim action). For specific procedures and rights of students during the Student Conduct Review 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) Student Responsibilities.** A student at the University is deemed to have given his or her consent to the policies of the University and the Florida Board of Governors and to the laws of the State of Florida. Each student is responsible for reviewing the rules and regulations of the University and for abiding by them.

**(3) Definitions.**

- (a) The term "Academic Integrity Panel" is comprised of one faculty and one staff/faculty member and two students selected from the Student Conduct Board. Members of this panel will receive annual training on how to conduct an investigation related to academic misconduct.
- (b) The term "Advisor" or "Support Person" refers to any individual who provides support, guidance or advice to a party involved in a Title IX investigation or Student Conduct Review Process. The Advisor or Support Person of the involved party's choice may assist and/or accompany the party throughout the investigative process and Student Conduct Review Process. This person shall not speak for, or present

- the information on behalf of the party who requested the Advisor or Support Person's attendance.
- (c) The term "Clery Act" refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. 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 federal government 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 amended by the Violence Against Women Reauthorization Act of 2013.
- (d) The term "Community ReEngagement and Educational Development (CREED) Program" is a committee composed of an equal number of faculty/staff and students appointed by the Director of the Office of Student Conduct to review the disciplinary probation status of a student.
- (e) The term "Complainant" refers to anyone who discloses having been subjected to sex discrimination, which includes sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity in the commission of any act prohibited by the Rules of Conduct section UCF-5.008(5) or the Organizational Rules of Conduct section UCF-5.012(5), regardless of whether that person makes a report or seeks action under that policy.
- (f) 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).
- (g) The term "Deputy Title IX Coordinator" is defined as a university employee who is responsible for assisting with the coordination of the University's efforts to comply with and carry out its responsibilities under Title IX. UCF's Deputy Title IX Coordinators are Dana Juntunen, Brandi Stuart, and Abigail Malick.
- (h) The term "Director of the OSC" refers to the Director of the Office of Student Conduct.
- (i) The term "Executive Director of the OSRR" refers to the Executive Director of the Office of Student Rights and Responsibilities.

- (j) The term “Hold” refers to a service indicator placed on a student’s record that includes but is not limited to: prevent modification to registration; access to transcripts; and re-enrollment following a separation from the University
- (k) The term “mandated assessment” refers to a process which is 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, completed by a licensed mental health professional or other appropriate licensed medical provider.
- (l) The term “Off Campus” refers to any location not defined as University premises.
- (m) The term “Overlay” refers to a notification on a student’s university transcript that states the student is not in good standing.
- (n) 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.
- (o) The term “Record Sealing” refers to when a student’s disciplinary record cannot be examined except by a court order or designated officials.
- (p) The term “Relevant Information” means information that has been shown to directly support the position of a party throughout the University’s investigative process or Student Conduct Review Process.
- (q) The term “Respondent” refers to any student or registered student organization who has been accused of sex discrimination, which includes sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity as defined in Rules of Conduct section UCF-5.008(5) or the Organizational Rules of Conduct section UCF-5.012(5).
- (r) The term “Responsible Employee” is defined as any employee, and Direct Support Organization non-student employee, who is not a confidential employee as defined in the University’s *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy*. Responsible Employees include (but are not necessarily limited to) Faculty (full-time and part-time), Staff (full-time and part-time), Resident Assistants, and graduate students with classroom responsibilities. Responsible employees also include those employees identified as Campus Security Authorities (CSAs). The University reserves the right to designate other

- individuals involved in university-sponsored/related activities as Responsible Employees on a case-by-case basis.
- (s) The term “Sanction” refers to outcome(s) imposed on students and registered student organizations found in violation of any Rules of Conduct or Organizational Rules of Conduct.
- (t) The term “Sex Discrimination” refers to any unlawful distinction, preference or detriment to an individual that is based upon an individual’s sex that: (1) excludes an individual from participation in; (2) denies the individual the benefits of; (3) treats the individual differently with regards to; or (4) otherwise adversely affects a term or condition of an individual’s employment, education, living environment, or participation in a university program or activity. Sex discrimination includes sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity.
- (u) The term “Student” means any person enrolled in one or more classes at the University, either full time or part time, study abroad student, online students, continuing education students, students pursuing undergraduate, graduate or professional studies, either 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 are also “students.” Individuals who have been accepted for admission and have paid an enrollment deposit are considered “students” for limited purposes (including the Student Conduct Review Process).
- (v) The term “Student Conduct Board” means any person or persons authorized by the Director of the OSC or designee to gather information and make proposed findings regarding whether a student or registered student organization has violated the Rules of Conduct or Organizational Rules of Conduct and to propose sanctions that may be imposed.
- (w) The term “Title IX” refers to the Title IX of the Education Amendments of 1972 which 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, pregnancy or parental status.

- (x) The "Title IX Coordinator" is defined as a university employee who is responsible for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX. UCF's Title IX Coordinator is Matt Ricke.
- (y) The term "University" means the University of Central Florida.
- (z) 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.
- (aa) 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.
- (bb) The term "University Premises" includes all land, buildings, facilities, and other properties in the possession of or owned, used, controlled by the University, or its direct support organizations.
- (cc) The term "VAWA" refers to the Violence Against Women Reauthorization Act of 2013, which amended the Violence Against Women Act and the Clery Act to provide new requirements for schools to prevent and respond to sexual violence, relationship violence and stalking. Some of these requirements include providing primary prevention education and awareness programs for all incoming students and employees; collecting statistics on relationship 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.
- (dd) The term "VP of SDES" refers to the Vice President of Student Development and Enrollment Services.
- (ee) The term "Witness" refers to any person who directly observed an incident or has direct or indirect knowledge related to an incident

**(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) Medical Emergencies.** The University of Central Florida highly encourages students and registered student organizations to call for medical assistance whenever an individual experiences severe intoxication/impairment or serious injury after consuming alcohol and/or drugs. Students and registered 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 and/or drug-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 Controlled Substance and Drug Violations and Alcoholic Beverages section and the Organizational Rules of Conduct section.

**(6) Student Care Services.** To provide comprehensive and consistent care for students experiencing academic, financial or personal challenges, Student Care Services (SCS), under Student Rights and Responsibilities provides support to students identified as needing additional on-campus or off-campus resources. Student Care Services staff review referrals from students, faculty, staff and/or other parties 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. Student Care Services staff will reach out to the student to assess what resources would be beneficial and collaboratively develop an action plan to reduce obstacles affecting success at UCF. Student Care Services staff will assist the student in coordinating with campus resources currently being utilized and will work with the student to monitor progress. Depending upon the circumstances, the referring person may receive feedback about the student's action plan. Students have the right to inspect and review all information submitted to Student Care Services.

**(7) Student of Concern Team.** In order to support student success, the University may utilize additional campus resources to assist the student. This may include collaboration with the Student of Concern Team (SOCT), a multidisciplinary group that reviews potential concerns presented by the UCF community regarding student behavior. The SOCT 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 team at the discretion of the Office of Student Rights and Responsibilities and/or Student Care Services.

- (a) The team may enlist the services of various campus units on an as needed basis, including but not limited to Counseling and Psychological Services, Student Health Services, Academic Services, Housing and Residence Life, First Year Advising and Exploration, Student Conduct, and the University of Central Florida Police Department.
- (b) The role of Student Health Services and Counseling and Psychological Services on the Student of Concern Team will be consultative in nature. When the involved student has been a patient or client of either agency, the staff representative will maintain the confidentiality of the student's clinical information and will make recommendations for action based solely upon the information provided in the meeting or as guided by clinical and licensure best practices.
- (c) Student Care Services staff has additional campus support systems in place to assess students engaging in behavior that may pose a risk to themselves or others. This includes but is not limited to the University Crisis Team, Mandated Assessment Procedure, and Involuntary Withdrawal Procedure.

**(8) University Crisis Team.** The University may refer students who are viewed to be engaging in behavior(s) that pose risks to themselves or others to the University Crisis Team 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 Assistant Dean of Students or designee will convene the team members in order to review each case and decide on the best course of action. The team is comprised of the following persons and/or their designee(s): Student Health Services Executive Director, Counseling and Psychological Services Director, UCF Police Department Chief, Student Care Services Associate Director, Office of Student Conduct Director, Associate Dean for Academic Services, Housing and Residence Life Director, Deputy General Counsel, Assistant Dean of Students and Student Development and Enrollment Services Associate VP and Dean of Students.

- (b) Various campus units may enlist the services of the team. These include but are not limited to Student Accessibility Services, Recreation and Wellness Center, Wellness and Health Promotion Services, Office of Fraternity and Sorority Life, Athletics, Alcohol and Other Drug Intervention Services, Undergraduate Studies, and Graduate Studies.
- (c) The role of the Student Health Services Executive Director and the Counseling and Psychological Services Director on the Crisis Team will be consultative in nature. When possible, the Student Health Services Executive 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 at UCF Counseling and Psychological Services, the Counseling and Psychological Services Director or designee will maintain the confidentiality of the student's clinical information and will make recommendations for action based solely upon the information provided in the meeting or as guided by clinical and licensure best practices.

**(9) 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 oneself. 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 regarding a UCF student hospitalization via the Baker Act or the Marchman Act, Student Care Services may utilize the mandated assessment session(s) to evaluate a 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. A member of Student Care Services will contact the student in a timely manner and require an initial meeting between a Student Care

Services staff member 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 Student Health Services psychiatrist, a Counseling and Psychological Services clinician, or a community based licensed mental health professional or licensed psychiatrist of the student's choice. Student Care Services 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. The student must meet with Student Care Services within ten (10) business days following release to complete a follow up appointment. Student must provide proof of assessment within twenty (20) business days following release or prior to return to the university (in the event a student withdraws for the remainder of the semester or is placed on Medical Withdrawal). Failure to comply may result in disciplinary action or the convening of the University Crisis Team.
- (c) In cases where more protective action is needed based on more severe behavior/conduct (e.g., behavior endangering others, threats to harm others, behavior significantly disruptive to the UCF community), the Assistant Dean of Students 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 Team to consider the initiation of the Involuntary Withdrawal Procedure.

#### **(10) Involuntary Withdrawal Procedure.**

- (a) Introduction.
  1. The University of Central Florida is committed to ensuring equality of educational opportunity while cultivating an environment that is safe for the campus community and supportive of student learning. The University will seek to intervene where a student's behavior interferes with the rights of others within the University community or where the student presents a

significant risk of harm to the health, safety, well-being and/or property rights of others. In such situations, safety and security concerns are paramount, and the University must react as promptly as feasible under the circumstances. University officials may consider a number of reasonable security and health and safety measures, including, but not limited to, requesting emergency assistance and seeking psychiatric evaluation, hospitalization, and treatment for mental illness as appropriate under the law. Additionally, the University may determine that it is necessary for the student to be involuntarily withdrawn from the University for the protection of others. This section outlines the procedures to be used by the University in making an involuntary withdrawal decision.

2. This involuntary Withdrawal Procedure will be applied in a nondiscriminatory manner, and decisions will be based on consideration of the student's conduct, actions, and statements and not on knowledge or belief that the student has a disability.
  3. The purpose of the Involuntary Withdrawal Procedure is for the University to be able to take urgent action when circumstances present a Significant Risk based on reasonably available information at the time. It will be necessary for the University to act promptly and for the benefit of the community as a whole, even if that means that, in consideration of later-presented information, the procedure ultimately concludes in favor of the student's continued enrollment (with or without conditions). Where the involuntary withdrawal procedure is invoked but the student is permitted to continue enrollment with no conditions, the University will take reasonable steps to assist the student in resuming their academic endeavors with as little disruption as feasible under the circumstances.
- (b) Direct Threat. When a student's behavior is deemed to pose a direct threat risk to the health and safety of the community, the Associate Vice President and Dean of Students ("Dean of Students") or their designee may initiate an involuntary withdrawal of the student on behalf of the university. The Dean of Students or designee will consult with the University Crisis Team before a final decision is made on the involuntary withdrawal of the student. A student poses a Direct Threat

when the student's behavior poses a "Significant Risk" to the health or safety of the student or others, or of significant property damage, or of substantial disruption to the lawful activities of others or the educational process or orderly operation of the University, and reasonable modifications of policies, practices, or procedures will not sufficiently mitigate the risk. Significant Risk is defined as the high probability of harm, threats of harm, or disruption and not just a slightly increased, speculative, or remote risk of such. Significant Risk is identified based on information that is reasonably available at the time of consideration. Information may be provided to the University through different means, including an incident report to Office of Student Rights and Responsibilities (OSRR), a police report, information provided following a hospitalization, or any other reliable source.

(c) Interim Involuntary Withdrawal.

1. A student may be involuntarily withdrawn from the University on an interim basis ("Interim Involuntary Withdrawal") if the Assistant Dean of Students or designee determines, based upon information reasonably available at the time, that the student poses a Direct Threat as defined above. A student will remain on Interim Involuntary Withdrawal pending the outcome of the Interim Involuntary Withdrawal Review. An Interim Involuntary Withdrawal may be imposed prior to a meeting of the University Crisis Team.
2. A student will be notified of Interim Involuntary Withdrawal through a written notice outlining the Interim Involuntary Withdrawal procedure, including the time, date, and location of the Interim Involuntary Withdrawal Review.
3. A student under Interim Involuntary Withdrawal shall be given an opportunity to present information to the University Crisis Team within three (3) business days from the effective date of the Interim Involuntary Withdrawal, to review the following issues only:
  - a. The reliability of the information concerning the student's behavior and,
  - b. Whether or not the student's behavior poses a Direct Threat, as defined above.

4. If upon conclusion of the Interim Involuntary Withdrawal review, the University Crisis Team determines the student will remain on Interim Involuntary Withdrawal based on the above defined issues, the University Crisis Team will proceed with the Involuntary Withdrawal procedures as outlined below.
- (d) Involuntary Withdrawal – Notice to Student. 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 proposed action.
  2. The opportunity to examine the psychiatric or other evaluations provided to the University Crisis Team and to discuss them.
  3. The opportunity to present relevant information for consideration of his/her case personally, or by a licensed mental 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 to any meetings or proceedings described in this procedure. The advisor may not present on behalf of the student or otherwise participate in the meeting or proceeding.
  5. The right to appeal.
- (e) Involuntary Withdrawal – Meeting of the University Crisis Team. The Assistant Dean of Students or designee will call a meeting of the University Crisis Team no earlier than five (5) business days after notifying the student of the proposed Involuntary Withdrawal. The student will be notified of the time, date, and location of the University Crisis Team meeting. The student may be present at this meeting and may present information in support of him/herself. Following the student's presentation, the team shall meet in a confidential deliberation. At the conclusion of this confidential deliberation, the team shall make a recommendation to the Dean of Students or designee, based upon the Team's review of all available information at the time of the meeting, as to whether the University should:
  1. involuntary withdraw the student due to Direct Threat;
  2. make no changes to the student's status;

3. allow continued enrollment with conditions; or
  4. if the student is on Interim Involuntary Withdrawal at the time, reinstate the student with or without conditions.
- (f) Involuntary Withdrawal – Notifying Student of Recommendation and Decision. The Dean of Students or designee will make a final decision regarding the student's enrollment status based on the totality of information available to the University and considering both the University Crisis Team's recommendation and any information presented by the student. The Dean of Students or designee will notify the student in writing within two business days of the final decision regarding the student's enrollment status.
- (g) Involuntary Withdrawal – Appeal. In the event a student disagrees with the decision of the Dean of Students or designee, the student may appeal the decision. The appeal must be made in writing to the Vice President for SDES, or designee, within three (3) business days after the date of the notification to the student of the decision. A student may appeal the decision based on one or more of the following criteria:
  1. Irregularities in fairness and stated procedures that could have affected the outcome of the decision.
  2. Discovery of new and significant information that could have affected the outcome and that was not known or could not reasonably have been discovered and/or presented at the time of the meeting.
  3. The outcome is extraordinarily disproportionate to the reported behavior.The Vice President of SDES or designee, shall, within three (3) business days, sustain the initial decision or return the case to the University Crisis Team for re-consideration. The Vice President's decision to sustain the initial decision is final action. If the matter is returned for re-consideration, the process will resume at the step outlined in subsection (e), above.
- (h) Upon being involuntarily 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 housing, may no longer be permitted on University property, and may not be employed by UCF. Additionally, an involuntarily withdrawn student may be entitled to whatever refunds of tuition,

fees, and room and board charges as would be appropriate given the timing of the withdrawal.

- (i) 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 at the institution except as stated in this paragraph. A student may request readmission or reenrollment at the University and provide the Dean or Students 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 is ready and able to safely return to the University and does not pose a Direct Threat as defined above. . In cases where the Dean of Students or designee has imposed other conditions for readmission, it is the responsibility of the student to provide documentation of compliance with such conditions.
- (j) A student who is considered for but ultimately not subject to Involuntary Withdrawal may be subject to conditions on continued enrollment at the University. In such cases, the student will be provided with a written summary of any such conditions and must meet all conditions in order to maintain student status. A student who fails to meet such conditions may be later subject to involuntary withdrawal by the Dean of Students or designee, or may be subject to charges through the University's Student Conduct Review Process for failure to comply.
- (k) The current voluntary medical withdrawal process should not be used to handle withdrawals where a Direct Threat is evident or where a violation of the Rules of Conduct has allegedly occurred. Information for students seeking a medical withdrawal is available in the Catalog.
- (l) As a general principle, the University prefers to use the Student Conduct Review Process in instances of misconduct, without regard to whether the student has a physical or mental condition that might be contributing to the misconduct. The Involuntary Withdrawal Procedure is to be employed in those situations in which the regular Student Conduct Review Process is not applicable or, due to safety concerns, cannot be applied in a sufficiently timely fashion.

**(11) Title IX Policy and Procedure.**

- (a) Federal law, specifically Title IX of the Education Amendments of 1972 (Title IX), prohibits discrimination on the basis of sex in education programs or activities. Title IX prohibits sex discrimination against students, staff and faculty— which includes acts of sexual misconduct, stalking and relationship violence. Title IX also prohibits retaliation for making a good faith report of sex discrimination or participating in or being a party to any proceeding involving sexual misconduct and/or interpersonal violence. A closely related federal law, Section 304 of the Violence Against Women Act (“Campus SaVE Act”), requires universities to increase transparency about the scope of sex-related violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus wide prevention education and awareness programming.
- (b) The University of Central Florida is committed to fostering an environment in which all members of our campus community are safe, secure, and free from sex discrimination, including sexual misconduct, stalking, and relationship violence, listed and defined in the Rules of Conduct (UCF-5.008) and Organizational Rules of Conduct (UCF-5.012). Our community expects that all interpersonal relationships and interactions – especially those of an intimate nature – be grounded upon mutual respect and open communication. When learning of conduct or behavior that may not meet these standards, community members are expected take an active role in promoting the inherent dignity of all individuals.
- (c) The university encourages any faculty, staff, student or non-student who thinks that he or she has been subjected to sex discrimination or retaliation by another student, member of the faculty or staff, or third party affiliated with the University to immediately report the incident to the Office of Institutional Equity.
- (d) The University strives to promote the safety and well-being of all students and employees. This information is applicable to students and employees regardless of their sexual orientation, gender identity, or gender expression.
- (e) Rights of the Complainant and the Respondent. Any individual (“Complainant”) who discloses having been subjected to sex discrimination, including sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or

gender-based harassment, retaliation, or complicity, and any individual or registered student organization (“Respondent”) who has been accused of sex discrimination, including sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity, are afforded the following rights throughout the university’s investigative process and the student conduct review process. These rights provide a fair process for both parties while also ensuring Complainant’s protections under Title IX and the Campus SaVE Act. These rights are in addition to the rights afforded in the student conduct review procedures outlined in UCF-5.009 (students) and UCF-5.013 (student organizations). Complainant and Respondent rights include the following.

1. Both the Complainant and Respondent are permitted to have an advisor or support person accompany them throughout the university’s investigative process and student conduct review process. This person will not represent the Complainant or Respondent, address witnesses, investigator(s), the hearing body, any other party, or otherwise directly participate throughout the university’s investigative process and/or student conduct review process. In addition, if the selected person is a witness, the person cannot be an advisor or support person.
2. Both the Complainant and the Respondent have the right to remedial and protective measures and shall be notified of available assistance at the University.
3. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during the investigative process and during a formal hearing. Prior to the initiation of the student conduct review process, the investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the investigator will not consider statements of personal opinion, rather than direct observations or reasonable inference from the facts, or statements as to any party’s general reputation for any character trait.

4. If the investigative process results in a recommendation to initiate the student conduct review process, both the Complainant and Respondent 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.
5. During the Student Conduct Review Process, both the Complainant and Respondent shall be informed of the Administrative Hearing Officer assigned to the case and shall have the opportunity to challenge the impartiality of the individual within three (3) business days of notification.
6. Both the Complainant and Respondent will be afforded similar and timely access to any information made available through the investigative process and/or that will be used during the student conduct review process.
7. If the matter proceeds to a formal hearing, both the Complainant and Respondent may submit a list of proposed questions related to the alleged incident to be asked during the formal hearing. The relevancy of proposed questions will be determined by the hearing body. During a formal hearing, all questions shall be asked through the hearing body. Both Complainant and Respondent should not be questioned directly by one another.
8. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during the investigative process and a formal hearing. Relevancy and timeliness will be determined by the investigator(s) and/or hearing body.
9. Both the Complainant and Respondent may not have irrelevant past conduct, including sexual history, discussed during the formal hearing. The issue of relevancy shall be determined by the hearing body.
10. Both the Complainant and the Respondent will be provided access to participate, during the entire formal hearing in person, via videoconference, by telephone, or by other means available.
11. At least five (5) business days before the formal hearing, the Complainant may submit a written statement describing the impact of the Prohibited Conduct on the Complainant and expressing a preference about the

- sanction(s) to be imposed. At least five (5) business days before the formal hearing, the Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanction(s) imposed. The Office of Student Conduct will ensure that the Complainant and the Respondent each have an opportunity to review any statement submitted by the other party before the formal hearing. The purpose of the statement(s) is to assist the hearing body in proposing a sanction. Therefore, the statement(s) will be given to the hearing body for consideration only if the hearing body makes a proposed finding of in violation on one or more allegations of sexual misconduct and/or interpersonal violence addressed in the formal hearing.
12. Both the Complainant and Respondent will be informed, concurrently and in writing, of the outcome of the investigative process, the Student Conduct Review Process, and the outcome of the appeal process, in accordance with federal guidelines.
  13. Both the Complainant and the Respondent have the right to appeal the outcome of the Student Conduct Review Process on the basis outlined in the applicable Student Conduct Appeals section UCF-5.010 (individual student UCF-5.013 (registered student organizations)).
  14. Both the Complainant and Respondent will be given periodic status updates throughout the investigative process and the Student Conduct Review Process.
- (f) Administrative hearing officers and panel members who hear cases of sex discrimination (including sexual harassment, sexual misconduct, stalking, and/or relationship violence) receive annual training on how to conduct fair and impartial hearings for these types of cases.

## Title IX Policy Information and Additional Resources

(a) Prohibited Acts:

Every member of the University community is prohibited from:

1. Engaging in sex discrimination, which includes but is not limited to sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, sexual harassment, and complicity in the commission of any of these acts;
2. Retaliating in any manner against an individual for reporting, in good faith, any of these forms of conduct or participating in or being a party to any investigation or proceeding under the *Golden Rule Student Handbook* or the University's *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy*;
3. Interfering with procedures to investigate or redress a complaint of sex discrimination; and,
4. Making an intentionally false accusation of sex discrimination (including sexual assault, sexual harassment, relationship violence, and stalking) or retaliation through the University's procedures. Any university student or registered student organization who engages in one of these prohibited acts may be subject to corrective action and appropriate sanctions pursuant to the Rules of Conduct or Organizational Rules of Conduct in the Golden Rule Student Handbook.

(b) Reporting: Sex discrimination, including sexual misconduct, relationship violence, and stalking can involve anyone interacting with our campus community, including but not limited to:

Student / Student

Faculty Member / Student

Teaching Assistant / Student

Staff Member / Student

Administrator / Student

Supervisor / Employee

Third Party Affiliated with the University / Student

Staff Member / Staff Member

Faculty Member / Faculty Member

Faculty Member/Staff Member

Administrator / Faculty Member

Administrator / Staff Member

Third Party Affiliated with the University / Employee

Any member of the UCF community can report sex discrimination by completing the online reporting form at <https://letsbeclear.ucf.edu> and clicking on the "Report" link in the upper right hand corner.

1. Individuals may report incidents of sex discrimination to university employees that are then responsible for promptly notifying the Office of Institutional Equity of the reported incidents. An employee's responsibility to report is governed by his/her role at the University. Confidential Employees, as defined in the University's *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy*, are not required to report Prohibited Conduct to the University when the disclosure is made while serving in the role that entitles them under state law to have privileged communications. Confidential Employees at the University of Central Florida include the following: Health Services employees; Counseling and Mental Health Services employees; Employee Assistance Program employees; Ombuds Office employees; Victim Services employees; Student Legal Services employees; and, Campus Faiths and Ministries organizations' chaplains. Responsible Employees, as defined in the University's *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy*, are required to immediately report to the University's Office of Institutional Equity all relevant details (obtained directly or indirectly) about an incident of Sex/Gender-Based Discrimination or Harassment, Sexual Harassment, Sexual Assault, Sexual Exploitation, Relationship Violence, and/or Stalking (as defined herein) that involves any Student as a Complainant, Respondent, and/or witness, including dates, times, locations, and names of parties and witnesses. Reporting is required when the Responsible Employee knows (by reason of a direct or indirect disclosure) or should have known of such Sex/Gender-Based Discrimination or Harassment, Sexual Harassment, Sexual Assault, Sexual Exploitation, Relationship Violence, and/or Stalking. Responsible Employees include (but are not necessarily limited to) Faculty (full-time and part-time), Staff (full-time and part-time), Resident Assistants, graduate students with classroom responsibilities, Campus Security Authorities, and DSOEs. This manner of reporting may help inform the University of the general extent and nature of Prohibited Conduct on and off campus so the University can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. If a Responsible Employee is uncertain if specific conduct constitutes conduct that must be reported, the Responsible Employee should contact the Office of Institutional Equity for assistance with making this determination.

All "Responsible Employees" MUST complete and submit an online form (<http://letsbeclear.ucf.edu>) and/or call the Office of Institutional Equity when made aware of an incident of sex discrimination which includes sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, sexual harassment, and/or complicity in the commission of any of these acts that involves any student as a Complainant, Respondent, and/or witness.

Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., “Light Up the Night,” Clothesline Project, candlelight vigils, protests, “survivor speak-outs” or other public forums) in which Students may disclose incidents of sex discrimination; (2) during a Student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (“IRB Research”); or (3) as part of coursework submitted to an instructor in connection with a course assignment.

2. The University of Central Florida’s Title IX Coordinator is charged with monitoring the University’s compliance with Title IX, ensuring appropriate education and training, coordinating the University’s investigation, response, and resolution of all reports of sex discrimination and ensuring appropriate actions to eliminate sex discrimination, prevent its recurrence, and remedy its effects. UCF’s Office of Institutional Equity oversees reports involving Students, Employees, registered student organizations, DSOEs, and Third Parties. The University also has designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators can be contacted as follows:

**Title IX Coordinator: Matthew Ricke**

Barbara Ying Center, Building 81, Suite 101  
12701 Scholarship Drive, Suite 101, Orlando, FL 32816-0030  
407- 823-1336  
[Matt.Ricke@ucf.edu](mailto:Matt.Ricke@ucf.edu)

**Deputy Title IX Coordinator for Students: Dana Juntunen**

Ferrell Commons, Building 7F, Suite 227  
407-823-4683

[Dana.Juntunen@ucf.edu](mailto:Dana.Juntunen@ucf.edu)

*Ms. Juntunen assists with managing complaints or allegations of sex discrimination (including sexual misconduct, relationship violence and stalking) against students or registered student.*

**Deputy Title IX Coordinator: Brandi Stuart**

UCF Bright House Networks Stadium, Student-Athlete Welfare & Development  
407-823-4236

[bstuart@athletics.ucf.edu](mailto:bstuart@athletics.ucf.edu)

*Ms. Stuart assists with managing complaints or allegations of sex discrimination (including sexual misconduct, relationship violence and stalking) involving student athletes.*

**Deputy Title IX Coordinator/Training Specialist: Abigail Malick, Ph.D.**

Barbara Ying Center, Building 81, Suite 101

407-823-1336

[Abigail.Malick@ucf.edu](mailto:Abigail.Malick@ucf.edu)

*Dr. Malick supports the Title IX program by coordinating training for faculty and staff and outreach to employees and graduate students reporting allegations of sex discrimination (including sexual misconduct, relationship violence and stalking).*

3. Any person may file an external complaint to the following agency:  
U.S. Department of Education  
Office for Civil Rights  
61 Forsyth Street S.W., Suite 19T10  
Atlanta, GA 30303-8927  
PHONE: (404) 974-9406  
FAX: (404) 974-9471  
EMAIL: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)  
TDD: (800) 877-8339  
<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>
4. Complaints of sexual misconduct, relationship violence and stalking also may be reported to the University of Central Florida Police Department and other local law enforcement authorities. The Title IX Coordinator and Deputy Title IX Coordinator can assist individuals in contacting law enforcement agencies.
5. To encourage reporting, any individual (including a bystander or third party) who makes a good faith report of sex discrimination will not be subject to disciplinary action by the University for the reporter's own personal use of alcohol or drugs at or near the time of the incident provided 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.

(c) Investigative Process for Students

1. Initial Report:

When the Office of Institutional Equity (OIE) receives a report of alleged sex discrimination, (including sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, and sexual harassment), complicity in the commission of any of these acts, or retaliation for reporting or participating in a process related to an investigation of such acts, OIE will notify the Remedial and Protective Measures Designee, who will contact the Complainant to offer

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- interim remedial and protective measures, support resources, and information.
2. OIE also will contact the complainant to share information regarding the University's investigative process, reporting options, and available resources. The University will review all allegations of reported sexual misconduct and/or interpersonal violence and determine an appropriate course of action. If the complainant decides to pursue an investigation by the University, OIE will interview the complainant about the incident(s) and review relevant documentation provided by the complainant. For cases that result in an investigation, those investigations are conducted by individuals who have received specialized training in those types of investigations. All investigations will be conducted in a thorough and neutral manner. In all instances and to the extent possible, the University will protect the privacy of all students. If a complainant requests that their name or other identifying information not be used in an investigation, the University will consider the request in light of the context of its responsibility to provide a safe and nondiscriminatory environment. In most cases, information including the complainant's name may be shared with the respondent, witnesses, and with university officials who have a legitimate need to know.
3. Following the complainant's substantive interview, OIE will conduct an assessment of the merits of the allegations to determine whether the conduct at issue, if it occurred as alleged, may violate the *Golden Rule Student Handbook* or the University's *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy*. To make this determination, OIE's analysis is guided by state and federal law. If OIE determines that the conduct would not violate the *Golden Rule Student Handbook* or the University's *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy* even if all the allegations are credited, OIE will advise the Complainant of its determination and will not undertake further investigation. OIE may notify other individuals (including the Respondent) or offices within the University of the reported allegations in order to mitigate the impacts of any potentially discriminatory conduct. If, based on the allegations, OIE determines that the alleged conduct may violate the *Golden Rule Student Handbook* or the University's *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy*, the investigation will proceed as described below in 5.
4. If the complainant does not respond to OIE's outreach, responds and indicates a desire to not participate in the University's investigative process, or responds and requests that an investigation not be conducted,

the OIE's staff will consult with the Title IX Coordinator regarding whether Title IX requires the University to continue with the investigation despite the complainant's decision to not participate in the process or request that an investigation not be conducted. In this regard, OIE and the Title IX Coordinator will consider the reasons for the non-participation or request, including concerns about continued safety of the person reportedly harmed and members of the campus community. OIE and the Title IX Coordinator also must balance considerations about the continued health and safety of members of the community against a complainant's desire not to have the report investigated. In cases when a complainant does not want to have a report investigated, but OIE has concerns that not taking formal action might endanger the health or safety of members of the campus community, OIE may initiate private consultation with appropriate individuals to analyze the situation and assist in determining appropriate measures to take. Consultation may occur with the Deputy Title IX Coordinators, Director of OIE, Associate Vice President and Dean of Students, Students of Concern Team, UCF Police, licensed psychological health professional, Executive Director of Housing and Residence Life, Chief HR Officer, Director of the Office of Student Conduct and/or General Counsel. The University may need to proceed with investigating and adjudicating the case regardless of the wishes of the complainant in those cases whereby the situation is determined to pose a significant danger to the University community, including, but not limited to: cases involving significant violence, cases in which the University has reason to believe that the Respondent has harmed more than one individual, or cases in which there is deemed to be a threat to the campus community. The Title IX Coordinator will make the ultimate decision about whether to move forward with an investigation or respond to the report in another manner. It is important to note that a Complainant's request for anonymity and/or inaction may hinder or limit a response by the University.

5. Investigative Stage:
  - a. Title IX Investigators and/or the Title IX Coordinator will notify the Respondent of the investigation. The Remedial and Protective Measures Designee will contact the Respondent to offer interim remedial and protective measures, support resources, and information.
  - b. The Title IX Investigators and/or the Title IX Coordinator will conduct individual interviews with the Complainant, Respondent, and witness(es) (if applicable), and collect all relevant evidence. The Complainant or the Respondent will not be permitted to participate

in each other's interview process. All interviews will be recorded in written form and each party will be provided with the opportunity to review their respective interview summaries to ensure accuracy and provide any additional information.

- c. Both the Complainant and Respondent are permitted to have an advisor or support person of their choosing accompany them throughout the entire process. None of these parties can also serve as a witness. No other parties may be present for the investigative interviews and meetings with OIE.
  - d. Persons requiring a reasonable accommodation based on disability throughout the process must alert the Title IX Investigator or Title IX Coordinator of their need/request prior to the start of any meeting with supporting documentation.
  - e. Both the Complainant and Respondent will have equal access to review and comment upon any information independently developed during the university investigation process from their interviews prior to a final investigative report being submitted by the Title IX Investigator(s)/Title IX Coordinator to the Deputy Title IX Coordinator for Students.
  - f. At the conclusion of the investigation, the Title IX Investigator(s)/Title IX Coordinator will submit a final investigative report, which will summarize all interviews and relevant information (as determined by the Title IX Investigator(s)/Title IX Coordinator) and set forth the investigator's factual findings to the Deputy Title IX Coordinator for Students.
6. Determination Stage:

The Deputy Title IX Coordinator for Students will review the documentation provided by the Title IX Investigator(s)/Title IX Coordinator and determine whether there is "cause" to forward the case to the Office of Student Conduct with a recommendation that the Office of Student Conduct charge the Respondent with alleged violations of university policy.

- a. If the Deputy Title IX Coordinator for Students determines that there is "no cause," all parties will be issued a letter stating such, and the matter will be closed (note: this does not prohibit the complainant from independently initiating external criminal charges).
- b. If the Deputy Title IX Coordinator for Students determines that there is "cause," the Deputy Title IX Coordinator for Students' written recommendation, along with a copy of OIE's investigative report and all other supporting information, will be forwarded to

the Director of the Office of Student Conduct. A finding of “cause” at this stage is not a finding of a violation. The Office of Student Conduct will charge the student and/or registered student organization through the Student Conduct Review Process when there is evidence of facts which reasonably allow the university to conclude that sex discrimination, sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, sexual harassment, complicity in the commission of any of these acts, or retaliation for reporting or participating in a process related to an investigation of such acts as defined by the Rules of Conduct may have occurred.

Thereafter, the Office of Student Conduct shall follow due process and its standard University adjudicative procedures as outlined in the Golden Rule (section UCF-5.009 and UCF-5.013). The investigation and conduct proceeding shall use the “preponderance of evidence” standard. This standard is based on a “more likely than not” threshold that a particular fact or violation(s) of the *UCF Rules of Conduct* or Organizational Rules of Conduct did occur. The parties will be provided equal opportunity to present relevant witnesses and evidence throughout the conduct process. In addition, both the complainant and respondent will have full-disclosure to inspect and review all evidence/materials prior to the hearing. (See section UCF-5.006 (9) (e) for additional rights of the complainant and respondent during the Student Conduct Review Process).

(d) Student Conduct Review Process:

Any student found in-violation of the Rules of Conduct for sex discrimination, sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sex or gender-based harassment, sexual harassment, complicity in the commission of any of these acts, or retaliation for reporting or participating in a process related to an investigation of such acts is subject to disciplinary action from the University including but not limited to disciplinary probation, deferred suspension, disciplinary suspension, disciplinary dismissal, or disciplinary expulsion. In addition to issuing punitive sanctions, educational requirements 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 registered student organization found in violation of the Organizational Rules of Conduct for sex discrimination, sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sex or gender-based harassment, sexual harassment, complicity in the

commission of any of these acts, or retaliation for reporting or participating in a process related to an investigation of such acts is subject to disciplinary action from the University including but not limited to organizational probation, organizational deferred suspension, organizational suspension, or recommendation of charter revocation. In addition to issuing punitive sanctions to organizations, educational sanctions 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 University strives to conclude each Title IX investigation (including the student conduct review process) within 60 calendar days. For various reasons, this may not be feasible. The University reserves the right to extend investigations beyond this timeframe based on various circumstances (i.e., breaks between academic semesters, holidays, emergency University closings, compliance of involved parties, etc.).

(e) Remedial and Protective Measures:

The University offers a wide range of resources for students and employees whether as Complainants, Witnesses or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of sex discrimination, sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sex or gender-based harassment, sexual harassment, complicity in the commission of any of these acts, or retaliation for reporting or participating in a process related to an investigation of such acts. The University will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to university employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (designed to reduce the risk of harm to an individual or community). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, residence modifications, academic modifications and support, work schedule modifications, suspension from employment, assistance with arranging for escorts or transportation, assistance with arranging initial counseling sessions, and pre-disciplinary leave from employment (with or without pay). Remedial and protective measures are available regardless of whether a Complainant pursues a complaint or investigation with the University. Also, remedial measures may be taken before the University's determination of whether the alleged misconduct occurred, as well as when the Respondent is not affiliated with the University. Requests for any of the aforementioned remedial and protective measures for a student will be coordinated by the Remedial and Protective Measures Designee, Deputy Title IX Coordinator for Students or designee.

The University will maintain the privacy of any remedial and protective measures provided to the extent practicable and will promptly address any violation of the remedial and protective measures. The University has the discretion to impose and/or modify any remedial or protective measure based on all available information, and is available to meet with a Complainant, Respondent or Witness to address any concerns about the provision of remedial or protective measures.

The University will provide reasonable remedial and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the University.

(f) Interim Actions:

If the Director of the Office of Student Conduct or designee, upon notifying the Vice President of Student Development and Enrollment Services or designee decides that a threat of imminent harm to persons or property exists, an interim suspension may be imposed on a student or registered 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)]. Interim administrative action is not a sanction. It is taken in an effort to protect the safety and well-being of the Complainant and/or Respondent, of others, of the University, or of property. Interim administrative action is preliminary in nature; it is in effect only until there is a resolution of the student or registered student organization conduct matter.

(g) On Campus Services and Resources:

The University recognizes the importance of offering assistance and support for individuals who feel they are a victim of sex discrimination or retaliation. Individuals are highly encouraged to contact one or more of the following offices.

**Confidential Resources**

**Counseling & Psychological Services (CAPS)** – licensed and clinical mental health professionals who can provide confidential, ongoing, emotional and psychological support for students who have experienced any form of sex discrimination. A student may contact the office at (407) 823-2811 or via website: [www.caps.sdes.ucf.edu](http://www.caps.sdes.ucf.edu) to speak with a counselor. All services are available to currently enrolled UCF students.

**Student Health Services (SHS)** – licensed medical physicians and therapists trained to confidentially assist students who have experienced any form of sex discrimination. Student Health Services does provide exams and works closely

with Victim Services and Student Care Services to ensure students receive quality ongoing care. *Note: Student Health Services does not collect nor maintain sexual assault evidence.* Medical professionals are available if you have questions, they can be contacted at 407-823-2701 or via website: [www.shs.sdes.ucf.edu](http://www.shs.sdes.ucf.edu).

**UCF Victim Services** – trained to assist complainants of sex discrimination (including sexual misconduct, relationship violence and stalking) will speak with a student confidentially as the student considers options. UCF Victim Services Advocates can be contacted at (407) 823-2425 or via website: [www.victimservices.ucf.edu](http://www.victimservices.ucf.edu). Victim Services can assist students with understanding their rights and reporting options and provide ongoing advocacy.

### **Non-Confidential Resources**

**Student Care Services (SCS)** – offers guidance, resources, and referrals to UCF students who are experiencing a distressing situation which significantly impacts academic or personal success. The SCS team coordinates referrals to campus and community resources, develops action plans for student success, oversees the Student of Concern process, and provides education and outreach to university and community members. The goal of Student Care Services is to intervene before a student reaches crisis level and ensure the safety of both the student and the UCF community. SCS also oversees the **UCF Cares initiative**, an umbrella of care-related programs, resources and staff dedicated to fostering a caring community of Knights. SCS can be contacted at 407-823-5607 or via the following websites: <http://scs.sdes.ucf.edu>, [www.ucfcares.com](http://www.ucfcares.com) or <http://cares.sdes.ucf.edu>.

**UCF Police Department (UCFPD)**- students who have experienced sexual assault, relationship violence and/or stalking are encouraged to seek the assistance of the University of Central Florida Police Department at 911 or non-emergency (407) 823-5555 or via website: [www.police.ucf.edu](http://www.police.ucf.edu). If a student is not sure whether criminal conduct is involved, an officer can assist the student in determining whether a crime has been committed. If the incident occurred off campus, an officer can assist the student in contacting the appropriate law enforcement agency.

**Office of Student Rights and Responsibilities (OSRR)**- promotes a campus climate of integrity, civility, accountability, and student well-being by providing a wide array of resources, education, and support services for the university community. The OSRR office is comprised of: Student Conduct, Integrity and Ethical Development and Student Care Services. OSRR also oversees the Golden Rule Student Handbook, The UCF Creed, the UCF Cares Initiative, student sexual

misconduct and interpersonal violence prevention education and outreach, and remedial and protective measures for complainants, respondents and witnesses involved in sex discrimination incidents. For more information contact 407-823-4638 or [www.osrr.sdes.ucf.edu](http://www.osrr.sdes.ucf.edu).

**Student Financial Assistance** –for financial aid services for students who have experienced sex discrimination, contact the Office of Student Financial Assistance, a unit within Student Development and Enrollment Services, dedicated to supporting UCF's mission and goals through the efficient delivery of student aid. For more information contact 407-823-2827 or [www.finaid.ucf.edu](http://www.finaid.ucf.edu).

**Wellness and Health Promotion Services (WHPS)** – provides education materials on HIV/AIDS as well as testing students free of charge. In addition, WHPS offers a wide variety of services and programming aimed at helping all UCF students be healthy knights! WHPS promotes healthy lifestyle habits associated with higher academic performance by providing outreach and educational workshops on safer sex, nutrition, stress management, alcohol and other drugs, sleep, healthy relationships and body image. To support student safety WHPS provides training in sexual violence prevention as well as HIV Testing and Risk Reduction Counseling. WHPS offers massage and biofeedback assisted relaxation training to help students manage stress and coordinates the Healthy Knights 2020 initiative, an SDES collaborative effort focused on promoting the health of all UCF students. To schedule an appointment, please call 407-823-5841 or visit <http://whps.sdes.ucf.edu/services> for more information.

**Title IX Coordinator and Deputy Title IX Coordinators:**

Title IX Coordinator Matthew Ricke  
Barbara Ying Center, Building 81, Suite 101  
407- 823-1336  
[Matt.Ricke@ucf.edu](mailto:Matt.Ricke@ucf.edu)

Deputy Title IX Coordinator for Students Dana Juntunen  
Ferrell Commons, Building 7F, Suite 227  
407-823-4683  
[Dana.Juntunen@ucf.edu](mailto:Dana.Juntunen@ucf.edu)

Deputy Title IX Coordinator Brandi Stuart  
UCF Bright House Networks Stadium, Student-Athlete Welfare & Development  
407-823-4236  
[bstuart@athletics.ucf.edu](mailto:bstuart@athletics.ucf.edu)

Deputy Title IX Coordinator/Training Specialist Abigail Malick, Ph.D.

Barbara Ying Center, Building 81, Suite 101  
407-823-1336  
[Abigail.Malick@ucf.edu](mailto:Abigail.Malick@ucf.edu)

(h) Off Campus Services and Resources:

Students who would like to seek local external support services can find additional information at <https://letsbeclear.ucf.edu/get-help/resources/>.

## **UCF-5.007**

### **Office of Student Conduct; Scope; Authority; 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 or online, 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.
- (c) 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. Student 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 Review 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) Student Conduct Records**

- (a) Maintenance of Records. A student's conduct case record will be maintained in the Office of Student Conduct and, if applicable, the Office of Institutional Equity. The case record of a student found responsible for charge(s) against them, with sanctions less than disciplinary suspension, dismissal and/or expulsion, will generally be maintained in the Office of Student Conduct (and, if applicable, the Office of Institutional Equity) 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, dismissal and/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.
- (c) Sealing of Records: For information regarding sealing of records please see UCF-5.010.4.

**(5) Evaluation of Student Conduct Review Process**

The Student Conduct Review Process will be evaluated periodically by the Golden Rule Review Committee. All proposed changes shall be evaluated for approval by the appropriate administrative body.

**(6) Medical Emergencies**

The University of Central Florida highly encourages students to call for medical assistance whenever an individual experiences severe intoxication or serious injury after consuming alcohol and/or drugs. Students 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 and/or drug-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 Controlled Substance and Drug Violations and Alcoholic Beverages section.

## **UCF-5.008 Rules of Conduct**

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 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. Students are prohibited from engaging in:

### **(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 of course material to another person, student, and/or uploading course material to a third party vendor without authorization or without the express written permission of the University and the Instructor. Course materials include but not limited to class notes, Instructor's power points, tests, quizzes, labs, instruction sheets, homework, study guides, and handouts.
- (d) Falsifying or misrepresenting the student's own 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.
- (h) Soliciting assistance with academic coursework and/or degree requirements. The solicitation of assistance with an assignment, lab, quiz, test, paper, etc., without authorization of the instructor of record or designee is prohibited. This includes but is not limited to asking for answers to a quiz, trading answers, or offering to pay another to complete an assignment. It is considered Academic Misconduct to solicit assistance with academic coursework and/or degree requirements, even if the solicitation did not yield actual assistance (for example, if there was no response to the solicitation).

**(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 an investigation, the Student Conduct Review Process, including knowingly initiating a false complaint.

**(3) Disruptive Conduct**

- (a) Any act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof or the rights of one or more individuals.
- (b) Any act which deliberately impedes or interferes with the normal flow of pedestrian and vehicular traffic.

- (c) Any act which intentionally interferes with the election processes of any University registered student organization or group.
- (d) Misuse of any University safety equipment, firefighting equipment, or fire alarms.
- (e) A false report of an explosive or incendiary device, which constitutes a threat or bomb scare.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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.
- (j) Violation of any other University regulation or policy as described in the UCF Regulations, UCF Policies and Procedures, or University department publicized policy.
- (k) Failure to comply with applicable law and University regulations and procedures for solicitation and fundraising activities on campus.

#### **(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, digital, 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 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) Discriminatory Harassment: defined as verbal, physical, electronic, or other conduct based on a protected category (such as race, color, religion, national origin, gender equity, 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 that would constitute harassment under federal or state civil rights laws or under University Regulation (UCF-3.001) and Prohibition of Discrimination, Harassment, and Related Interpersonal Violence Policy.
- (d) Bullying: Defined as behavior of any sort (including communicative behavior) directed at another, that is severe, pervasive, or persistent, and is of a nature that would cause a reasonable person or group in the target's position substantial emotional distress and undermine his or her ability to work, study, or participate in University life or regular activities, or which would place a reasonable person in fear of injury or death.
- (e) Stalking: defined as conduct not of a sexual nature that is repeated, unwanted conduct toward or contact with another person that would cause a reasonable person to fear for the person's safety or the safety of others, or to experience substantial 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.
- (f) Invasion of Privacy and Unauthorized Recording.
1. Making, using, disclosing or distributing a recording of a person in a location or situation in which that person has a reasonable expectation of privacy and is unaware of the recording or does not consent to it; and any other conduct that constitutes an invasion of the privacy of another person under applicable laws and regulations. Such conduct includes, without

- limitation, unauthorized recording of personal conversations, images, meetings or activities.
2. Unauthorized recording of a class or of organizational or University meetings, where there exists a legal expectation of privacy, and any use, disclosure, or distribution of any such recording.
  3. Engaging in acts of voyeurism, including but not limited to peeping or surreptitiously recording another in a bathroom.
  4. Any notice, consent or other requirement under applicable laws and regulations must be fulfilled in connection with authorizing, making, using, disclosing or distributing any recording, where there is a legal expectation of privacy.
- (g) Retaliation against or harassment of complainant(s), other person(s) alleging misconduct, or anyone who participates in an investigation.
- (h) Condoning or encouraging acts of harmful behavior as defined above or failing to intervene during an act of harmful behavior while it is occurring.

**(5) Sexual Misconduct and/or Interpersonal Violence**

- (a) Sexual Assault: Any nonconsensual sexual contact which occurs on or off the UCF campus.
1. Consent is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be obtained by force, threat, coercion, manipulation, reasonable fear of injury, intimidation, use of position of influence, or through the use of one's mental or physical helplessness or incapacity. The lack of a negative response, lack of protest or resistance, silence and passivity are not consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Past consent to sexual activity does not imply ongoing future consent.
    - a. Responsibilities - It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement.
    - b. Standard - A determination of whether consent exists will be based on the information the initiator of the sexual act knew or should have known as a sober, reasonable person. Being impaired by alcohol or

- other drugs does not relieve an initiator of a sexual act from obtaining consent.
- c. Incapacitation – Incapacitation is a state where an individual cannot make rational, reasonable decisions because of age, mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated due to the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. A person who is incapacitated lacks the capacity to give consent because they cannot understand the facts, nature, or extent of the sexual interaction.
- d. Duration of Consent - Consent must be ongoing throughout sexual activity, for each sexual act, and can be withdrawn at any time.
- i. Within each sexual encounter, there may be separate individual sexual acts involved. Consent to one act by itself does not constitute consent to another act. If verbal consent is not given, ongoing active participation is required for consent.
  - ii. The existence of a dating or sexual relationship between the persons involved, or the fact of past sexual relations have occurred between the parties, is not an indicator of consent for any current or future sexual encounter.
  - iii. An individual who seeks to withdraw consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once consent is withdrawn, the sexual activity must cease immediately.
- e. Scope of Consent - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
2. Sexual Contact – includes but is not limited to the following behaviors:
- a. Touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; and/or

- b. contact, however slight, between the mouth, anus or sex organ of one individual with either the anus or sex organ of another individual; and/or
  - c. contact, however slight, between the anus or sex organ of one individual and any other object.
- (b) Sex Harassment: Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions for Discriminatory Harassment as defined in 5.008(4)(c), are present. This is conduct that would constitute sexual harassment under federal or state civil rights laws or under University Regulation UCF-3.001 Sexual Harassment may include inappropriate touching, acts of sexual violence, suggestive comments and public display of pornographic or suggestive calendars, posters, or signs where such images are not connected to any academic purpose. A single incident of nonconsensual sexual contact (as defined above) may be sufficiently severe to constitute sexual harassment.
- (c) Gender-Based Harassment: Discriminatory harassment that is based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions for Discriminatory Harassment as defined in UCF-5.008(4)(c) are present.
- (d) Obscene or Indecent Behavior: 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.
- (e) Voyeurism: Trespass, spying, or eavesdropping for the purpose of sexual gratification.
- (f) Solicitation of a Minor: soliciting sexual acts from a minor by oral, written, or electronic means.
- (g) Child Pornography: possessing, producing or the dissemination of child pornography

- (h) Relationship Violence: Relationship Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Relationship Violence may include sexual assault, stalking, and physical assault. Relationship Violence may involve a pattern of behavior used to establish power and control over another person through fear and intimidation or may involve one-time conduct. A pattern of behavior is typically determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person. This behavior can be verbal, emotional, and/or physical and may be directed towards the former partner, their property, or other individuals. Examples of Relationship Violence may include, but are not limited to: slapping; pulling hair; punching; damaging another person's property; driving recklessly to scare someone; name calling; humiliating another person in public; harassment directed toward a current or former partner or spouse; and/or threats of abuse, such as threatening to hit, harm, or use a weapon on another (whether Complainant or acquaintance, friend, or family member of the Complainant), or other forms of verbal threats.
- (i) Stalking: Stalking under this provision occurs where a person engages in a course of conduct of a sexual nature that is directed at a specific person under circumstances that would cause a reasonable person to fear for the person's safety or the safety of others, or to experience substantial emotional distress. A "course of conduct" is two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact. Stalking may include, but is not limited to: non-consensual communications (face to face, telephone, e-mail); threatening or obscene gestures; surveillance/following/pursuit; showing up outside the targeted individual's classroom or workplace; sending gifts and/or notes (romantic, bizarre, sinister, or perverted); and/or making threats.

- (j) Sexual Exploitation: Sexual Exploitation is purposely or knowingly doing or attempting to do any of the following:
1. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
  2. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
  3. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
  4. Subjecting another person to human trafficking; or
  5. Exposing another person to a sexually transmitted infection or virus without the other's knowledge.
- (k) Complicity: Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act prohibited by the Rules of Conduct Section UCF-5.008(5).
- (l) Any attempted acts of sexual misconduct and/or interpersonal violence defined above are also violations of this policy.

**(6) Larceny/Property Damage**

- (a) Unauthorized use, possession, or theft of property or service. Such property may be personal or public.
- (b) Damaging or defacing of University property or the property of another person whether or not it is on University premises.
- (c) Tampering with or damaging fire safety equipment.

**(7) Hazing**

- (a) Hazing is any action or situation that recklessly or intentionally endangers the mental or physical health and/or safety of a student for purposes including but not limited to: initiation or admission into, or affiliation with, any organization operating under registration with the University or any student group operating with official sanction of the University.

- (b) Hazing includes 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) Hazing includes any activity which could subject the individual to extreme mental stress such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or any other activity that could adversely affect the mental health or dignity of the individual.
- (d) Hazing includes forcing, pressuring, or coercing, the student into violation of University policies or federal, state, or local law.
- (e) Hazing includes soliciting a person to commit or being actively involved in the planning of any act of hazing as defined above where the act of hazing creates a substantial risk of physical injury or death to the person(s) hazed.
- (f) It is not defense to an allegation of hazing that:
  1. the consent of the victim had been obtained;
  2. the conduct or activity that resulted in the death or injury of a person was not part of any official organizational event or otherwise sanctioned or approved by the student organization; or
  3. the conduct or activity that resulted in the death or injury of a person was not done as a condition of membership into a student organization.
- (g) Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

#### **(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.
- (b) Cultivating, manufacturing, or attempting to obtain cannabis in any amount.
- (c) Possessing, consuming, cultivating, manufacturing, or attempting to possess any controlled substances other than cannabis, except as expressly permitted by law.
- (d) Selling or distributing cannabis or any other controlled substances other than alcohol.
- (e) Possessing or attempting to possess any drug related paraphernalia.
- (f) Misconduct under the influence of controlled substance(s) and/or drugs other than alcohol.
- (g) Drug Emergencies - University Expectations for Individuals
  - 1. University of Central Florida students who receive medical attention due to drug-related emergencies may be exempt from disciplinary action as part of the conditions for drug emergencies after review by the Director of the Office of Student Conduct. 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 drug-related emergencies may receive exemption for violations of the Rules of Conduct Section 10(a)-10(f); however, exemption for other Rules of Conduct violations may not be granted. The Director of the Office of Student Conduct 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 Conduct 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 impaired student may be exempt from disciplinary action for violations of the Rules of Conduct Section 10(a)-10(f). However, exemption for other Rule of Conduct violations may not be granted.
4. For parental notification regarding medical transports for drug-related incidents, refer to the Parental Notification Policy on the Office of Student Conduct website <http://osc.sdes.ucf.edu/notification>.
5. Additional information regarding alcohol and/or drug related emergencies can be found on the Office of Student Conduct website: <http://osc.sdes.ucf.edu/medicalemergencies>.

#### **(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 or distributing 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
- (d) 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 Conduct. 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(a)-11(c); however, exemption for other Rules of Conduct violations may not be granted. The Director of the Office of Student Conduct 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 Conduct 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(a)-11(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 and/or drug related emergencies can be found on the Office of Student Conduct website <http://osc.sdes.ucf.edu/medicalemergencies>.

**(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 are prohibited on University premises or at University sponsored/related activities.

**(13) Instigation or Participation in Group Disturbances during Demonstrations, Parades, or Picketing**

- (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 voucher or any item for participation in a scheme of chance by whatever name on University premises or at any affair sponsored by a student or registered 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. A charge under this provision must include a specific citation of which Housing policy or policies the charged student has violated.

**(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 OSC or designee. Upon receiving an alleged violation of misconduct, the Director of the OSC or designee may review relevant information and consult with relevant parties regarding the incident in question. Where deemed necessary to protect the safety and well-being of others, of the university, or of property, the Director of the OSC or designee, upon notifying the VP of SDES or designee, may take immediate action to resolve the safety and/or well-being concern by placing the student on interim suspension. Interim suspension is not a sanction. An interim suspension 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 OSC will refer all information warranting disciplinary action and assign the case to the appropriate staff member. 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. For Title IX related cases see UCF-5.006(10).
- (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 charges.

**(2) Options for Resolution of Disciplinary Charges.**

- (a) Case Dismissal: The Director of the OSC 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. Mediation will not be a resolution option for cases involving allegations of incidents of sexual misconduct and/or interpersonal violence.
- (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 or designee 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, Disciplinary Probation, or Disciplinary Deferred Suspension) 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. The outcomes from an informal

hearing process (decision of responsibility and recommended sanctions) are final and are not eligible to be appealed (UCF-5.010).

- (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. For cases of sexual misconduct and/or interpersonal violence, the hearing shall also be open to the complainant and advisor. In cases of alleged Academic Misconduct, the student is required to have an academic integrity panel hearing as stated in UCF-5.015.

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 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 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 proposed finding(s) and recommended sanctions, if any, to the Director of the OSC 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 OSC 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 OSC 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 OSC 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 OSC or designee to alter proposed sanctions or remand 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 selected by the Office of Student Conduct from the Student Conduct Board. The charged student shall be informed of the hearing officer assigned to the 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 office prior to the allotted three (3) business days, the assigned hearing officer shall remain as scheduled.
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 OSC 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 OSC 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 OSC 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 OSC or designee to alter sanctions or remand 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.
  6. Presentation and questioning of all other parties.
  7. Final questions of the charged student by the hearing body.
  8. Closing remarks by the charged student.
  9. Hearing is brought to a close.
  10. The student is invited to await announcement of the proposed finding(s) and recommended sanction(s), if any.
- (d) Deliberations by the hearing body are not part of the hearing and are confidential. Deliberations occur after the closure of the hearing and are not recorded. Following deliberations, the hearing body will prepare a written statement of its proposed finding(s) and, if applicable, recommend sanctions.
- (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 OSC's or designee's decision.
- (f) Student Conduct Board members for panel and administrative formal hearings are selected through an annual application and interview process with the exception of the justices from the Student Government Association Judicial Branch. All Student Conduct Board members, including justices, receive annual training from the Office of Student Conduct. Student Conduct Board members who serve on hearings related to allegations of sex discrimination, including but not limited to relationship violence, sexual assault, sex harassment, and stalking receive additional training annually.

#### **(4) Student Rights in the Student Conduct Review Process.**

The following rights shall be explained to each charged student prior to the commencement of any formal disciplinary 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. The student 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. 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.

- (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 student conduct 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 three (3) business days before the formal hearing. The University also has the right to review any information the student intends to use at least three (3) business days before the formal hearing. Only such information that is determined “Relevant Information” will be made part of the hearing record.
- (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. The student may hear and question adverse parties 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 a criminal offense.
- (g) The proposed finding, as well as the Director of the OSC’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.
- (h) Should the student fail to attend the scheduled formal hearing, the hearing will be held in the student’s absence and the proposed findings, including any recommended sanctions, will be made using the information available at the time of the scheduled formal hearing.

- (i) Only if the proposed finding of the hearing body is that the student is in violation, will prior conduct history be reviewed and potentially affect proposed sanctioning.
- (j) The results of any formal hearing shall be made available to the charged student within seven (7) business days following the hearing. Should the OSC need additional time, the deadline can be extended by the Director of the OSC or designee by notifying the charged student. For academic integrity cases, the results of any formal hearing shall be made available to the charged student within fourteen (14) business days following the hearing. The Director of the OSC or designee shall notify the charged student in writing of the need for additional time.
- (k) 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) Additional Procedures in Cases of Sexual Misconduct and/or Interpersonal Violence.**

Where a student is charged with sexual misconduct and/or interpersonal violence, the procedures outlined in UCF-5.006(10) will apply in addition to the procedures of the Student Conduct Review Process outlined above.

**(6) 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 Disciplinary Suspension or Disciplinary 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 registered 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 attend classes and is given a chance to show capability and willingness to live in accordance with University rules. While on Disciplinary Probation, a hold will be placed on a student's record for record keeping purposes.
- (c) Deferred Disciplinary Suspension - Deferred Disciplinary Suspension is used for offenses found serious enough to warrant Disciplinary Suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred Disciplinary Suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Rules of Conduct. During a Deferred Disciplinary Suspension, the student will be officially suspended from the university, but the suspension will be deferred, meaning that the student may continue to attend classes. The suspension will be enforced for failure to complete any assigned educational sanctions by the deadline(s) and/or for any subsequent violation of the Rules of Conduct, unless the Director of the OSC determines otherwise in exceptional circumstances. If the student is found in violation for any subsequent violation(s) of the Rules of Conduct while on Deferred Disciplinary Suspension, including failure to complete any assigned educational sanctions by the deadline(s), the student will be suspended for a minimum of one (1) semesters, in addition to the educational sanctions imposed for the subsequent violation. Students placed on Deferred Disciplinary Suspension will have a conduct overlay placed on their transcripts for the period of time that the Deferred Disciplinary Suspension is in effect. The conduct overlay is a notation indicating that the student is not in good standing. Deferred Disciplinary Suspension may include the denial of specific university privileges, including but not limited to loss of good standing, which may become a matter of record; denial of the privilege to occupy a position of leadership or responsibility in an University registered 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). The duration of any Deferred

Disciplinary Suspension period and the specific restrictions imposed will be determined by the OSC on a case-by-case basis.

- (d) Disciplinary Suspension - A student involved in an offense warranting consideration of action more serious than Deferred Disciplinary Suspension or one involved in repeated misconduct may face Disciplinary Suspension. During the period of Disciplinary 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 OSC. 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 housing, may no longer be permitted on university property, may not be employed by the University, 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. In determining if and to what extent suspended students shall be authorized to be on University premises, the Director of the OSC or designee shall consider whether the suspension creates an undue hardship on the disciplinary suspended student in regard to considerations that include, but are not limited to, the medical needs of the student. Students placed on Disciplinary Suspension will have a conduct overlay placed on their transcript for the period of time that the Disciplinary Suspension is in effect.—The conduct overlay is a notation indicating that the student is not in good standing. 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.
- (e) Disciplinary Dismissal – Disciplinary Dismissal is a sanction which removes the student from the individual's academic program and separates the student from the University for a period of at least two years and up to seven years. A dismissed student has none of the rights or privileges of a student of the University. Following Disciplinary Dismissal, the individual must apply for readmission to the University. Readmission is possible but not guaranteed and will only be considered after the two

to seven year time allotted from the effective date of the Dismissal, based on meeting all readmission criteria and obtaining clearance from the Associate Vice President and Dean of Students or designee. This may include restricted access to campus and/or other specified activities. Students placed on Disciplinary Dismissal will have a conduct overlay placed on their transcript for the period of time that the Disciplinary Dismissal is in effect. The conduct overlay is a notation indicating that the student is not in good standing. Further, while on Disciplinary Dismissal, 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 Dismissal; otherwise the Disciplinary Dismissal will remain in effect.

- (f) Delayed Conferral of Degree – Delay of issuance of a student's diploma for a specified period of time or until the student meets certain conditions.
- (g) Recommendation for Degree Revocation – The University of Central Florida reserves the right to revoke any UCF degree awarded to any student. Reasons for degree revocation may include academic dishonesty, grade change, administrative error, disciplinary misconduct, or student request (see UCF Policy 4-406).
- (h) Disciplinary Expulsion – Disciplinary Expulsion is a sanction which removes the student from the individual's academic program and permanently separates a student from the University 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.
- (i) Educational Sanctions - 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. Educational sanctions are intended to provide a student with opportunities to repair the harm of their actions and to engage in meaningful developmental experiences that will help the student in avoiding future violations of University policy.

## **UCF-5.010 Student Conduct Appeals**

### **(1) Appeals within the Student Conduct Review Process**

- (a) Students found in violation as a result of a formal 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 ten (10) business days after the date the student was notified of the decision by the Director of the OSC or designee. The appeal form can be found at <http://osc.sdes.ucf.edu/process>.
- (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, the 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, the appellate officer may: deny the appeal, thus sustaining the initial decision; alter the sanction(s); or return the case for a new hearing. Any decision by the appellate officer to alter sanctions or return a case for new hearing shall be accompanied by a concise and explicit written statement that explains the basis for that decision
- (e) The appellate officer should issue a written decision to the student's appeal within twenty (20) business days of receipt of the appeal. Should the appellate officer require additional time for review beyond the twenty (20) business days, the appellate officer shall notify the charged student in writing of the need for additional time. Decisions of the appellate officer reflect final agency action.

- (f) Any decision by an appellate officer to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.
- (g) 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 OSC's or designee's final decision letter.

**(2) Appeals within the Student Conduct Review Process for Cases Involving Sexual Misconduct and/or Interpersonal Violence**

- (a) Complainants and Respondents in matters involving allegations of sexual misconduct and/or interpersonal violence (as defined above in Regulation UCF-5.008(5)) may appeal the finding(s) and sanction(s) imposed from 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 Respondent and Complainant are notified of the decision by the Director of the OSC or designee. The appeal form can be found at <http://osc.sdes.ucf.edu/process>.
- (b) Complainants and Respondents 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. Failure to describe the nature of the information in full detail in the appeal letter will result in the denial of the appeal.

- (d) The appellate officer shall first determine if sufficient grounds for appeal exist and then, if so, the appellate officer may: deny the appeal, thus sustaining the initial decision; alter sanction(s); or return the case for a new hearing.
- (e) The appellate officer should issue a written decision to the student's appeal within twenty (20) business days of receipt of the appeal. The written decision shall issue to both the Complainant and the Respondent. Should the appellate officer require additional time for review beyond the twenty (20) business days, the appellate officer shall notify the Complainant and Respondent in writing of the need for additional time. Decisions of the appellate officer reflect final university action.
- (f) Any decision by an Appellate Officer to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

### **(3) Community ReEngagement and Educational Development (CREED) Program**

- (a) Upon completion of one semester of disciplinary probation and completion of all educational requirements, a student has the opportunity to request a review of their disciplinary probation status through the Community ReEngagement and Educational Development (CREED) Program.
- (b) Requests should be submitted to the Director of the OSC or designee via an online CREED Program submission form available at [www.osc.sdes.ucf.edu](http://www.osc.sdes.ucf.edu). This request can only be submitted once a semester.
- (c) The CREED Program is designed for a student to have the opportunity to demonstrate that in the period following a violation of the Rules of Conduct, they have taken steps to become a productive and engaged member of the UCF community.
- (d) In considering this request, a student should complete all outlined requirements of the CREED Program which can be reviewed online at [www.osc.sdes.ucf.edu](http://www.osc.sdes.ucf.edu).
- (e) A CREED Program application should include information such as the following:
  1. Reflection Essay
  2. Faculty/Staff/Advisor (Academic or Organization) Letter of Recommendation
  3. Community Service

4. Residential Life Letter of Support (On-Campus or Affiliated Residential Students only)
  5. Proof of Counseling/Assessment (if applicable)
  6. Academic Progress (if applicable)
  7. Termination of Probation Letter (Admission Clearance Only, and if applicable)
- (f) Upon receipt of the CREED Program packet, the Director of the OSC or designee will review to determine whether or not the student meets criteria for review. If the Director of the OSC 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 "CREED review meeting" with a committee appointed by the Director of the OSC or designee, comprised of faculty, staff and students.
- (g) Prior to this meeting, the committee will have reviewed the submitted packet and will prepare 10-15 questions for the student to address, as well as provide the student with the opportunity to further discuss why the disciplinary probation 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 OSC or designee. The Director of the OSC or designee will provide a decision to the student in writing within seven (7) business days of receiving the recommendation.
- (i) If the request is denied by the Director of the OSC 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 CREED Review Meeting decision.

#### **(4) 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 disciplinary suspension, disciplinary dismissal, or disciplinary expulsion and/or if the student is not current on disciplinary probation or deferred suspension with all educational sanctions completed in full.
- (b) A student conduct record may be sealed upon the successful submission and review of appropriate paperwork to the Office of Student Conduct.
- (c) The factors influencing the decision by the Director of the OSC 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.

## **UCF-5.011**

### **Scope; Authority; Principles of Group Responsibility; Violations of Law and Rule of Conduct Violations; Registered Student Organizational Conduct Records**

#### **(1) Scope**

- (a) The organizational conduct regulations (UCF-5.011, 5.012, and 5.013) shall apply to all registered student organizations of the University, including those at its regional campuses and/or at off campus instructional sites, and shall be deemed a part of the terms and conditions of registered student organization registration. 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, including when students come together as registered student organizations. The Organizational Rules of Conduct, set out below, apply to registered student organization 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) The Organizational Rules of Conduct apply to all registered student organizations for conduct that occurs:
  1. On University premises; or
  2. During or while participating in University and/or organization sponsored or related activities; or
  3. During school sessions, holidays, breaks, and university closures; or
  4. Against students or non-students.
- (c) The University may take action against a registered student organization for off-campus conduct if the conduct is specifically prohibited by law or the Organizational Rules of Conduct; or if the conduct poses (or demonstrates that the student organization's continued recognition at the University 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.

#### **(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 shall ensure a fair and impartial process in registered student organizational disciplinary proceedings and guarantee the integrity of the university.
- (c) Generally, authority necessary to enforce the organizational 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.

**(3) Definitions.** Definitions for terms used in this section, as well as in the Organizational Conduct Review Process, are located in UCF-5.006(3).

**(4) Principles of Registered Student Organization Responsibility.**

- (a) Any registered student organization can be held responsible for its actions or the actions of a collection of its members acting together. Misconduct on the part of an individual member(s) may not automatically be sufficient to initiate the Organizational Conduct Review Process.
- (b) Students may be held accountable as individuals under the Rules of Conduct for their conduct, whether the students are acting in an individual capacity or the students are acting as a member of a registered student organization.
- (c) The following criteria will be used to determine if a registered student organization can be held responsible for the actions of one or more individuals when those actions result in a violation of the Organizational Rules of Conduct:
  1. A violation arises out of an organization-sponsored, financed, or otherwise sanctioned activity or event, where the organization provided the context for the violation.
  2. A pattern of individual violations has occurred and/or continues to occur within the organization without adequate control, response, or disciplinary action on the part of the registered student organization or its executive board members or officers.
  3. The action resulting in the violation has received either the implied or overt consent of the registered student organization or any executive board members or officers of the registered student organization.
  4. The registered student organization or any executive board member or officer of the registered student organization fails to report and take reasonable action against invitees/members responsible for the Organizational Rules Conduct violation.
  5. The registered student organization overtly places or implicitly allows active members of the registered student organization to be in a position to act on behalf or with authority of the organization.
  6. The registered student organization chooses to protect one or more individual offenders who are active members of the registered student organization from official actions.
- (d) Should a reported incident occur where an organization is named as allegedly violating an Organizational Rule of Conduct, the University may hold an investigation to gather facts to help provide further context to the original complaint.

**(5) Medical Emergencies.** The University of Central Florida highly encourages students and registered student organizations to call for medical assistance whenever an individual

experiences severe intoxication or serious injury after consuming alcohol and/or drugs. Students and registered 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 and/or drug-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 Controlled Substance and Drug Violations and Alcoholic Beverages section and the Organizational Rules of Conduct section.

**(6) Violations of Law and Rule of Conduct Violations.** Students who commit offenses against the laws of municipalities, states, or the United States are subject to prosecution by those authorities and may be subject to disciplinary action by the University when their 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 Organization Conduct process is not a criminal or judicial proceeding and is designed to address registered student organization behavior as outlined in the Principles of Group Responsibility, above; therefore, alleged violations of the Organizational Rules of Conduct will be addressed independently of any penalty imposed by the courts for the criminal offense.

**(7) Student Organizational Conduct Records**

- (a) Maintenance of Records. A registered student organizations conduct case record will be maintained in the Office of Student Conduct. The case record of a registered student organization found responsible for charge(s) against them, with sanctions less than organizational suspension or revocation, 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 registered student organization that has been suspended or whose registration has been revoked will be permanently maintained by the Office of Student Conduct.
- (b) Release of Records. The release of registered student organization disciplinary records will be governed by applicable federal and state laws regarding the privacy of education records.

## **UCF-5.012 Organizational Rules of Conduct**

Registered student organizations are expected to abide by these Organizational Rules of Conduct, and administrators and faculty are expected to enforce them. These rules should be read broadly and are not intended to define prohibited conduct in exhaustive terms. These rules may be revised during the year; announcements will be made on adoption of 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, including when students come together as registered student organizations. The Organizational Rules of Conduct, set out below, apply to registered student organization conduct and will not be used to impose discipline for the lawful expression of ideas. The following is a non-exhaustive list of prohibited conduct for which disciplinary action may be taken at the University of Central Florida. The following offenses, or the aiding, assisting, condoning, or attempting to commit these offenses, constitute violations of the Organizational Rules of Conduct.

### **(1) Theft, Disregard for Property**

- (a) Malicious or unwarranted damage or destruction of another's property;
- (b) Taking, attempting to take, or keeping in its possession property or services not belonging to the registered student organization.
- (c) Misuse or mishandling of organizational funds by any officer, member, or other individual.

### **(2) Possessing and/or Providing False and Misleading Information and/or Falsification of University Records**

- (a) Withholding related information, or furnishing false, misleading, incomplete, or incorrect information (oral or written) to University officials, 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 an investigation, the student conduct review process, including knowingly initiating a false complaint

### **(3) Disruptive Conduct**

- (a) Any act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof or the rights of one or more individuals.
- (b) Obstructing the free movement of other students around the campus, interfering with the use of University facilities, preventing the normal operation of the University; or conducting any event that interferes with the normal progress of academic events on campus.
- (c) Engaging in obscene or indecent conduct.
- (d) Failure to comply with the administrative policies as enacted by the University.
- (e) Failure to comply with the directions of University officials or authorized agents acting in the performance of their duties. Registered student organization officers and members shall comply with all directions or requests of University officials, University police officers or authorized agents in a timely manner.
- (f) Hindering or interfering with the Organizational 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 Organizational Conduct Review Process.
- (g) Participating in any event with a registered student organization that is currently on disciplinary probation (with restrictive conditions), has been suspended, or has had their UCF registration revoked.
- (i) Failure to comply with any other University regulation or policy as described in the UCF Regulations, UCF Policies and Procedures, or University department publicized policy.

### **(4) Harmful Behavior**

- (a) Physical violence towards another person or group.
- (b) Discriminatory Harassment: Defined as verbal, physical, electronic, or other conduct based on a protected category (such as race, color, religion, national origin, 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

schooling or employment with the University. Harassment under this provision is conduct that would constitute harassment under federal or state civil rights laws or under University Regulation UCF-3.001 and Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy.

- (c) Bullying: Defined as behavior of any sort (including communicative behavior) directed at another, that is severe, pervasive, or persistent, and is of a nature that would cause a reasonable person or group in the target's position substantial emotional distress and undermine his or her ability to work, study, or participate in University life or regular activities, or which would place a reasonable person in fear of injury or death.
- (d) Verbal, digital, or written abuse, threats, intimidation, coercion and/or other conduct that endangers the health, safety or well-being of another person or group, or which would place a reasonable person 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.
- (e) Failure to respect the privacy of other individuals.
- (f) Retaliation against or harassment of Complainant(s), other person(s) alleging misconduct, or anyone who participates in an investigation of harassment.
- (g) Condoning or encouraging acts of harmful behavior as defined above or failing to intervene on an act of harmful behavior while it is occurring.

### **(5) Sexual Misconduct and/or Interpersonal Violence**

- (a) Nonconsensual Sexual Conduct - Any nonconsensual sexual contact which occurs on or off the UCF campus.
  1. Consent is an understandable exchange of affirmative words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be obtained by force, threat, coercion, manipulation, reasonable fear of injury, intimidation, use of position of influence, or through the use of one's mental or physical helplessness or incapacity. The lack of a negative response, lack of protest or resistance, silence, and passivity are not consent. Consent to one form of sexual activity does not imply consent to other

forms of sexual activity. Past consent to sexual activity does not imply ongoing further consent.

- a. Responsibilities - It is the responsibility of the initiator to obtain consent at each stage of sexual involvement.
- b. Standard - A determination of whether consent exists will be based on the information the initiator of the sexual act knew or should have known as a sober, reasonable person. Being impaired by alcohol or other drugs does not relieve an initiator of a sexual act from obtaining consent.
- c. Incapacitation - Incapacitation is a state where an individual cannot make rational, reasonable decisions because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated due to the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. A person who is incapacitated lacks the capacity to give consent because they cannot understand the fact, nature, or extent of the sexual interaction.
- d. Duration of Consent - Consent must be ongoing throughout sexual activity, for each sexual act, and can be withdrawn at any time.
  - i. Within each sexual encounter, there may be separate individual sexual acts involved. Consent to one act by itself does not constitute consent to another act. If verbal consent is not given, ongoing active participation is required for consent.
  - ii. The existence of a dating or sexual relationship between the persons involved, or the fact of past sexual relations have occurred between the parties, is not an indicator of consent for any current or future sexual encounter.
  - iii. An individual who seeks to withdraw consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once consent is withdrawn, the sexual activity must cease immediately.

- e. Scope of Consent - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- 2. Sexual Contact – includes but is not limited to the following behaviors:
  - a. Touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; and/or
  - b. contact, however slight, between the mouth, anus or sex organ of one individual with either the anus or sex organ of another individual; and/or
  - c. contact, however slight, between the anus or sex organ of one individual and any other object.
- (b) Sexual Harassment: Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions for Discriminatory Harassment as defined in 5.012(4)(b) are present. This is conduct that would constitute sexual harassment under federal or state civil rights laws or under University Regulation UCF-3.001. Sexual Harassment may include inappropriate touching, acts of sexual violence, suggestive comments and public display of pornographic or suggestive calendars, posters, or signs where such images are not connected to any academic purpose. A single incident of nonconsensual sexual contact (as defined above) may be sufficiently severe to constitute sexual harassment.
- (c) Gender-Based Harassment: Discriminatory harassment that is based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions for Discriminatory Harassment as defined in UCF-5.012(4)(b) are present.
- (d) Obscene or Indecent Behavior - 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.
- (e) Voyeurism - Trespass, spying, or eavesdropping for the purpose of sexual gratification.

- (f) Solicitation of a Minor – soliciting sexual acts from a minor by oral, written, or electronic means.
- (g) Child Pornography – possessing, producing or the dissemination of child pornography
- (h) Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person's safety or the safety of others, or to experience substantial emotional distress. A "course of conduct" is two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact. Stalking may include, but is not limited to: non-consensual communications (face to face, telephone, e-mail); threatening or obscene gestures; surveillance/following/pursuit; showing up outside the targeted individual's classroom or workplace; sending gifts and/or notes (romantic, bizarre, sinister, or perverted); and/or making threats.
- (i) Sexual Exploitation: Sexual Exploitation is purposely or knowingly doing or attempting to do any of the following:
  1. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
  2. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
  3. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
  4. Subjecting another person to human trafficking; or
  5. Exposing another person to a sexually transmitted infection or virus without the other's knowledge.

- (j) Complicity: Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act prohibited by the Organizational Rules of Conduct UCF-5.012(5).
- (k) Any attempted acts of sexual misconduct and/or interpersonal violence defined above are also violations of this policy.

#### **(6) Alcohol Related Misconduct**

- (a) Use and/or possession of alcoholic beverages, except as expressly permitted by law and University regulations/policies.
- (b) Sale and/or distribution of alcoholic beverages, except as expressly permitted by the law and University regulations/policies.
- (c) Furnishing or causing to be furnished any alcoholic beverage to any person under the legal drinking age.
- (d) Behavior under the influence of alcohol.
- (e) Furnishing or causing to be furnished any alcoholic beverage to any person in a state of noticeable intoxication.
- (f) Failure of a registered student organization to take all necessary steps to see that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors or within any property or transportation it owns, operates, and/or rents.
- (g) Alcohol Emergencies- University Expectations for Registered Student Organizations. Registered student organizations may be eligible for exemptions from disciplinary action when a representative of an organization at a registered student organizational event calls for emergency assistance on behalf of a person experiencing an alcohol related emergency. Registered student organizations that seek medical assistance for alcohol emergencies may receive exemption for violations of the Organizational Rules of Conduct Section 6(a)-6(f); however, exemption for other Organizational Rule of Conduct violations may not be granted. Registered student organizations may be eligible for this exemption on a case by case basis at the discretion of the Director of the OSC. Additional information regarding alcohol emergencies can be found at the Office of Student Conduct website.

**(7) Drug Related Misconduct**

- (a) Unlawful use and/or possession of any narcotic or other controlled substances, and possession and/or use of drug paraphernalia.
- (b) Sale and/or distribution of any narcotic or other controlled substances.
- (c) Cultivation and/or manufacture of any narcotic or other controlled substances.
- (d) Attempt to obtain any narcotic or other controlled substances, except as expressly permitted by law.

**(8) Unauthorized Entry.** Unauthorized entry, attempted entry, or loitering in private or restricted areas that are owned and/or operated by the University.

**(9) Gambling**

- (a) Play or sponsor of an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a registered student organization.
- (b) Unlawful sale, barter, or disposition of a voucher or any item for participation in a scheme of chance by whatever name on University premises or at any activity sponsored by a registered student organization
- (c) Wagering on a University team or organization in a competition, with or without intent to have a direct influence in the success of the competition

**(10) Hazing**

- (a) Hazing is any action or situation that recklessly or intentionally endangers the mental or physical health and/or safety of a student for purposes including but not limited to initiation or admission into, or association with, any organization operating under registration with or official sanction of the University. Hazing may result in felony charges.
- (b) Hazing includes brutality of a physical nature such as whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food, liquor, liquid, 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) Hazing includes any activity that could subject the individual to extreme mental or physical stress such as sleep deprivation, forced exclusion from social contact,

- forced conduct that could result in extreme embarrassment, or any other activity that could adversely affect the mental or physical health or dignity of the individual.
- (d) Hazing includes forcing, pressuring, coercing, or requiring the violation of University policies, federal, state, or local law.
- (e) Hazing includes soliciting a person to commit or being actively involved in the planning of any act of hazing as defined above where the act of hazing creates a substantial risk of physical injury or death to the person(s) hazed.
- (f) It is not a defense to an allegation of hazing that:
1. the consent of the victim had been obtained;
  2. the conduct or activity that resulted in the death or injury of a person was not part of any official organizational event or otherwise sanctioned or approved by the student organization; or
  3. the conduct or activity that resulted in the death or injury of a person was not done as a condition of membership into a student organization.
- (g) Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate

**(11) Outstanding Debt.** Failure to pay on and off campus vendors in a timely manner. Groups shall not knowingly enter into purchase or rental agreements that are beyond the resources of the organization's ability to pay. The University will not cover outstanding debts of registered student organizations.

**(12) Use of Facilities.** Failure to comply with University regulations and procedures for campus events and/or use of campus facilities or grounds. Those individuals acting on behalf of an organization that reserve facilities should check with the University department or office responsible for the facility to guarantee that all procedures have been followed.

**(13) Fire Safety and Sanitation**

- (a) Tampering with or damage to fire safety equipment.
- (b) Causing, condoning, or encouraging the creation of any situation involving incendiary or other chemicals or substances, explosives, or fire that reasonably may result in danger to another's person or property.
- (c) Possession or use of illegal fireworks, incendiary devices, or dangerous explosives.

- (d) Failure to properly maintain a registered student organization's facilities or property (or surrounding property) such that a potential danger to the health and safety of the occupants or members of the University and surrounding community is created.

**(14) Advertising**

- (a) Origination or circulation of any advertising media that contains matter that violates federal, state and/or local laws.
- (b) Origination or circulation of any advertising media containing false or misleading information.

**(15) Solicitation and Fundraising.** Failure to comply with applicable law and University regulations and procedures for solicitation and fundraising activities on campus.

**(16) University Wordmark Violations.** Unauthorized use of the University's name, abbreviation, trademarks or wordmarks, including the Pegasus, monograms, seal, or other graphic identity symbols. The phrases "UCF" or "University of Central Florida" (or some form thereof) cannot precede the title of the organization. This section refers to but is not limited to, the registered student organization's: domain name, web address, promotional materials, and uniforms/shirts.

**(17) Academic Misconduct**

- (a) Unauthorized academic assistance: Using or attempting to use unauthorized materials, information or study aids in any academic exercise unless specifically authorized by the instructor of record.
- (b) The unauthorized possession of examination or course related material.
- (c) Commercial Use of Academic Material: Selling of course material to another person, student, and/or uploading course material to a third party vendor without authorization or without the express written permission of the University and the Instructor. Course materials include but are not limited to class notes, Instructor's power points, tests, quizzes, labs, instruction sheets, homework, study guides, handouts, etc.
- (d) Knowingly helping any student violate academic behavior standards.

**(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-5.013 Organization Conduct Review Process; Sanctions; Appeals**

### **(1) Violation Reports**

- (a) Alleged violations of the UCF Organizational Rules of Conduct shall be reported in writing to the Director of the OSC or designee. Incident reports can be submitted for information purposes only, for information purposes with the requirement that the registered student organization attend an academic integrity seminar, or to initiate the student conduct review process. Upon receiving an incident report, the Director of the OSC or designee may review relevant information and consult with relevant parties regarding the incident in question. Where deemed necessary to protect the health and safety of any individual, the student body, or any part of the University or its community, the Director of the OSC or designee, upon notifying the VP of SDES or designee, may take immediate action to resolve the situation by placing the registered student organization on interim organizational suspension. Interim organizational suspension is not a sanction. Interim organizational suspension is preliminary in nature; it is in effect only until there is a resolution of the registered student organization conduct matter. Interim organizational suspension is subject to review at a hearing within ten (10) business days by the VP of SDES or designee to determine the status of the interim organizational suspension. The outcome of an interim organizational 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.
- (b) The Director of the OSC will refer all information warranting disciplinary action and assign the case to the appropriate staff member. The Office of Student Conduct will send written notification to the chief officer of the registered student organization at their UCF mailing address indicating the nature of the activity in question and what Organizational Rules of Conduct were allegedly violated. The chief officer of the registered student organization shall serve as the organization's representative in the organization conduct review process.
- (c) Upon receipt of an incident report the Office of Student Conduct has six months to charge a registered student organization with a violation of the Organizational 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 the violation report was filed.

- (d) A registered student organization charged with alleged violations of the Organizational Rules of Conduct (see UCF-5.012) will receive notice to attend a mandatory preliminary conference with the Office of Student Conduct. If the registered student organization fails to attend the mandatory preliminary conference without providing a satisfactory reason for the absence, the registered student organization may be placed on immediate social probation until such time as the registered student organization completes the mandatory preliminary conference. During the mandatory preliminary conference the registered student organization will receive information regarding the Registered Student Organization Conduct Review Process, including the registered student organization's rights during the process; an opportunity to inspect and/or review the information known at the time charges were prepared and how to contact the Student Government Association Judicial Advisor. At the conclusion of the mandatory preliminary conference, one of the following will occur: case dismissal, mediation, informal hearing, or formal hearing.
- (e) Social probation includes but is not limited to the prohibition of the following: any on or off campus fundraisers, socials, intramural competitions, receptions, service projects, conferences, retreats, etc. The organization may also not be able to update its registration until such time that it appears before a hearing. Groups under social probation may gather at regularly scheduled business meetings.

## **(2) Options for Resolution of Disciplinary Charges**

- (a) Case Dismissal: The Director of OSC or designee may dismiss a case if it is found to not have sufficient facts or evidence to substantiate the claim of misconduct or the misconduct is not a violation of the organizational 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 a confidential process where 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 to the Office of Student Conduct 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 registered student organization has the opportunity to meet with an Office of Student Conduct staff member and accept responsibility for the charges of violation of the Organizational Rules of Conduct. At the informal level the matter will be settled by the following outcomes: punitive sanction (organizational warning, organizational probation, organizational probation with restrictions, deferred organizational suspension) as well as educational sanctions (papers, seminars, community service, etc.). If the matter is not settled informally, the case will be resolved through a formal hearing.
- (d) Formal Hearing: If an alleged violation of the Organizational Rules of Conduct is not dismissed or otherwise resolved, then the Office of Student Conduct shall present in writing formal charges to the registered student organization. The charged registered student organization may request either a panel or administrative hearing. The charged registered student organization's hearing shall only be open to the charged registered student organization's chief officer, their advisor, the hearing body, witnesses (when called upon), a representative from the Office of Student Conduct, and a university staff member from an appropriate office (Office of Student Involvement, Office of Fraternity and Sorority Life, Recreation and Wellness Center, etc.).

**(3) Formal Hearings.** There are two types of formal hearings – panel hearings and administrative hearings.

- (a) Panel Hearings.
  - 1. A panel to consider an organizational case shall be comprised of members from the Office of Student Conduct Student Conduct Board. The panel shall consist of two (2) faculty and administrative staff members combined and two (2) student members that have been trained by the Office of Student Conduct to hear

organizational cases. One panel member shall be selected by the Office of Student Conduct to chair the hearing and report the proposed finding(s) and sanction(s), if any, to the Director of the OSC 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 OSC shall receive the panel's proposed finding(s) as to "in violation" or "not in violation" of the Organizational Rules of Conduct and consider any sanctions proposed by the panel.
3. The Director of the OSC 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 OSC or designee accepts the proposed finding of "in violation," they may approve, mitigate or increase the sanctions proposed by the panel.
4. Any decision by the Director of the OSC 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.

(b) Administrative Hearings

1. Administrative hearings shall be conducted by a faculty or staff member from the Student Conduct Board trained by the Office of Student Conduct to hear organizational cases. The charged registered student organization shall be informed of the hearing officer assigned to its case and shall have the opportunity to challenge the impartiality of the individual within three (3) business days of notification. The charged registered student organization 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 charged registered student organization 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.
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 OSC or designee shall receive the administrative hearing officer's proposed finding(s) as to "in violation" or "not in violation" of

- the Organizational Rules of Conduct, and consider any sanctions proposed by the administrative hearing officer.
3. The Director of the OSC 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 OSC 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 OSC 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 events in a formal hearing. Please note that all formal hearing proceedings are recorded. The recording is part of the official record of the hearing and no other recordings are permitted.
1. Reading of charges.
  2. Registered student organization response of “in violation” or “not in violation.”
  3. Presentation of information in support of the charges.
  4. Opening statement by the charged registered student organization.
  5. Questioning of the charged registered student organization by the hearing body.
  6. Presentation and questioning of witnesses in support of the charges.
  7. Presentation and questioning of witnesses by the charged registered student organization.
  8. Final questions of the charged student organization by the hearing body.
  9. Closing remarks by the charged registered student organization.
  10. Hearing is brought to a close.
  11. Registered student organization is scheduled for a meeting to discuss the hearing body’s 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.
- (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. All staff memoranda submitted.
  4. 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.
  5. The Director of the OSC's decision.
- (f) Student Conduct Board members for panel and administrative formal hearings are selected through an annual application and interview process with the exception of the justices from the Student Government Association Judicial Branch. All Student Conduct Board members, including justices, receive annual training from the Office of Student Conduct. Student Conduct Board members who serve on hearings related to allegations of sex discrimination, including but not limited to relationship violence, sexual assault, sex harassment, and stalking receive additional training annually.

**(4) Registered Student Organization Rights during the Formal Conduct Review Process -**  
The following rights shall be explained to the charged registered student organization before the commencement of a formal disciplinary hearing:

- (a) The charged registered student organization shall be afforded written notice, at least five (5) business days prior to a formal hearing, unless waived in writing. Written notice sent to the chief student officer of the charged registered student organization's electronic and/or physical address shall constitute full and adequate notice. Written notice shall include:
1. The name of the organization, the chief student officer's name and organization's address, if applicable.
  2. Date, time and location of the formal hearing
  3. Alleged Organizational Rule of Conduct Violation(s) known at the time formal charges are prepared.
  4. Names of potential witnesses known at the time that formal charges are prepared.
  5. A description of any physical or written documentation known at the time charges are prepared.

Provided that the required notice stated above has been given to the registered student organization along with its representative(s) but a representative failed to attend a

scheduled formal hearing without providing a satisfactory reason for the absence, the organization may be placed on immediate social probation until such time as the organization completes the formal hearing and any further steps in the conduct process. The organization will also not be able to update its registration while on social probation.

- (b) The registered student organization may have at their own expense and initiative, an advisor present at the hearing. It is the registered student organization'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 registered student organization but shall not speak for or present the case for the registered student organization or otherwise participate directly in the proceeding. A registered 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 registered 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 registered student organization.
- (c) All hearings shall be conducted on the basis that the charged registered student organization is not in violation until the preponderance of evidence proves otherwise. At a student conduct organizational hearing, the technical rules of evidence applicable to civil and criminal cases shall not apply. The burden of proof in a student conduct hearing is not on the registered student organization charged with a violation of the Organizational Rules of Conduct.
- (d) The registered student organization's chief officer or designee may inspect any information presented in support of the charges. Information may be presented in support of the charged student organization.
- (e) The university cannot compel any person serving as a witness to attend a registered student organizational hearing. However, all parties to a registered student organizational conduct hearing 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 registered student organizational formal hearing. The registered student organization may hear and question adverse witnesses who testify at the registered student organizational formal hearing.

- (f) The registered student organization shall not be forced to present information that incriminates its individual members; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal prosecution.
- (g) Should the registered student organization fail to attend the scheduled formal hearing, the hearing will be held in the registered student organization's absence and the proposed findings, including any recommended sanctions, will be made using the information available at the time of the scheduled formal hearing.
- (h) The proposed finding(s), as well as the Director of the OSC's determination, of "in violation" or "not in violation" on the charges shall be based solely on the information presented at the registered student organizational formal hearing.
- (i) Only if the proposed finding(s) of the hearing body is that the registered organization is in violation, will prior conduct history be reviewed and potentially affect the proposed sanctioning.
- (j) The final decision shall be furnished in writing to the registered student organization within fourteen (14) business days following the hearing (the deadline can be extended by mutual agreement of the charged registered student organization and the Director of the OSC or designee).
- (k) The registered student organization's registration status shall remain unchanged pending the University's final decision in the matter except in cases where the VP of SDES or designee determines that the safety, health, or general welfare of any individual, or any part of the University may be involved.

**(5) Additional Procedures in Cases of Sexual Misconduct and/or Interpersonal Violence.**

Where a registered student organization is charged with sexual misconduct and/or interpersonal violence, the procedures outlined in UCF-5.006(10) will apply in addition to the procedures of the Student Conduct Review Process.

## **(6) Sanctions for Registered Student Organizations**

- (a) Organizational Warning: An official warning that the organization's behavior is in violation of the Organizational Rules of Conduct and that if the organization is subsequently found in violation of a rule, subsequent action may be more severe.
- (b) Organizational Probation: A period of time during which any further violation of the Organizational Rules of Conduct puts the registered student organization's status with the University in jeopardy. Restrictive conditions may also be imposed as part of organizational probation and will vary according to the severity of the offense. Restrictive conditions may include barring or limiting some or all of the organization's activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University registered student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position). If a registered student organization is found "in violation" for another violation of the Organizational Rules of Conduct while on organizational probation, more severe sanctions may be imposed.
- (c) Organizational Deferred Suspension – Organizational deferred suspension is used for offenses found serious enough to warrant organizational suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Organizational deferred suspension is a designated period of time during which a registered student organization is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Organizational Rules of Conduct. During an organizational deferred suspension, the registered student organization will be officially suspended from the university, but the organizational suspension will be deferred, meaning that the registered student organization may continue to operate with sanction-specific restrictions. Organizational suspension will be enforced should the registered student organization fail to complete any of the assigned sanctions by the deadline(s) and/or for any subsequent violation of the Organizational Rules of Conduct unless the Director of the OSC determines otherwise in exceptional circumstances. If the registered student organization is found in violation for any subsequent violation of

the Organizational Rules of Conduct while on deferred suspension, including failure to complete any assigned sanctions by the deadline(s), the registered student organization will be suspended for a minimum of two (2) semesters in addition to any educational sanctions imposed for the subsequent violation. Registered student organizations on organizational deferred suspension may be limited in their abilities to represent the university in intramural sporting events, extracurricular activities, or official functions. The duration of any organizational deferred suspension period and the specific restrictions imposed will be determined by the OSC on a case-by-case basis.

- (d) Organizational Suspension: While on organizational suspension the registered student organization loses its University recognition and/or registration for a temporary period of time. While an organization is suspended, it may not use University resources or participate as an organization in any University activities or events.
- (e) Revocation of UCF Registration: Permanent severance of the organization's relationship with UCF.
- (f) Recommendation for Charter Revocation: An official request to a national office that the local chapter's charter be revoked.
- (g) Educational Sanctions: In conjunction with any sanction listed above, a registered student organization found to have been in violation of any of the Organizational Rules of Conduct will be assigned educational sanctions that are proportional to the violation such as, but not limited to: reflective/research papers, classes/seminars, community service, restitution, interviews, etc. If a registered student organization has any outstanding educational sanctions at the conclusion of organizational probation or organizational suspension, the organizational probation or organizational suspension will remain in effect pending completion of the educational sanctions.

## **(7) Appeal within the Registered Student Organization Review Process**

- (a) A student organization 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 registered student organization was notified of the decision by the Director of the OSC.

- (b) Registered student organizations may appeal the finding(s) 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 substantially affected the outcome of the hearing.
  2. Discovery of new and significant information that would be likely to change 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 registered student organization must state the reason(s) for appeal, the supporting facts, and the recommended solution. This is not a re-hearing of the conduct case. An appeal cannot be filed simply because a registered student organization 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 registered student organization 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; or.
  2. If the registered student organization alleges that there was a defect in procedure or new information was presented which was sufficiently substantial to have affected the outcome and the appellate officer agrees, the appellate officer will order a new hearing.
- (e) The registered student organization 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) Any decision by Appellate Officer to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

- (g) 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 OSC's final decision letter.

**(8) Community ReEngagement and Educational Development (CREED) Program**

- (a) Upon completion of one semester of the organizational probation and upon completion of all educational sanctions/requirements, a registered student organization has the opportunity to request modification of their organizational probation status through the Community ReEngagement and Educational Development (CREED) Program.
- (b) Requests must be submitted to the Director of the OSC or designee via an online Student Organization CREED Program Submission form that can be found at <http://www.osc.sdes.ucf.edu>. This request may only be submitted once a semester.
- (c) The CREED Program is designed for registered student organizations to have the opportunity to demonstrate that in the period following a violation of the Organizational Rules of Conduct, they have taken steps to become productive and engaged members of the UCF community. Student organizations that simply fulfill the minimum requirements of their sanction(s) will not be eligible for the CREED Program.
- (d) A CREED Program application should include information such as the following:
1. Reflection Essay
  2. Faculty/Staff/Advisor (Academic or Organization) Letter of Recommendation
  3. Community Service
  4. Fraternity and Sorority Life (FSL) Letter of Support (*Greek Affiliated Student Organizations Only*)
  5. Proof of Counseling/Assessment (*If applicable*)
- (e) Upon receipt of the CREED Program packet, the Director of the OSC or designee will review to determine whether or not the registered student organization meets the criteria for review. If the Director of the OSC or designee agrees that the registered student organization meets any or all of the above mentioned criteria, the registered student organization will be contacted within fourteen (14) business days to schedule a "CREED review meeting" with a committee appointed by the Director of the OSC or designee, comprised of faculty, staff and students.

- (f) Prior to this meeting, the committee will have reviewed the packet and will prepare 10-15 questions to be addressed, as well as provide the opportunity to further discuss why the applying organization 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 organization to produce requested information and/or documentation. Upon receipt of the requested information and/or documentation, the committee will reconvene the review with the organization.
- (g) After the meeting, the committee will issue a recommendation to the Director of the OSC or designee. The Director of the OSC or designee will provide a decision to the registered student organization in writing within seven (7) business days of receiving the recommendation.
- (h) If the request is denied by the Director of the OSC or designee the decision shall include a concise and explicit written statement that explains the basis for that decision.
- (i) There is no appeal process for a Student Organization Disciplinary CREED Review meeting decision.

## **UCF-5.015 Student Academic Behavior Standards**

- (1) The Office of Undergraduate Studies, College of Graduate Studies, Registrar's Office, and the Office of Student Rights and Responsibilities will review this regulation periodically.
- (2) UCF is committed to a policy of honesty in academic affairs. Conduct that comprises a breach of this policy may result in academic action and/or disciplinary action. Academic action affects student assignments, examinations or grades. Disciplinary action could affect student enrollment status.
- (3) Academic misconduct includes but is not limited to cheating, plagiarism, assisting another in cheating or plagiarism, and commercial use of academic materials. Violations of academic misconduct at the undergraduate and graduate level are listed and defined in the Rules of Conduct (UCF-5.008)
- (4) Alleged violations of the UCF Rules of Conduct (Academic Misconduct) shall be reported in writing to the Director of the Office of Student Conduct (OSC) or designee. When an instructor becomes aware of an alleged violation of academic misconduct and before any action is taken, the instructor must document the alleged violation(s) through the Academic Misconduct Report Form (AMR), available at <http://osc.sdes.ucf.edu>. Upon receiving an alleged violation of academic misconduct, the Director of the OSC or designee may review relevant information and consult with relevant parties regarding the incident in question.
  - (a) The Director of the OSC will refer all information warranting disciplinary action to the OSC. The OSC will send notification to the student indicating the nature of the activity in question and what university rules were allegedly violated.
  - (b) Upon receipt of an AMR form the OSC has six months to charge a student with a violation of academic misconduct. The OSC 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 academic misconduct will receive notice to attend a required preliminary conference with the OSC to discuss the charges. If the student fails to attend the conference, a hold will 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 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 of how to contact the impartial advisor. At the conclusion of the meeting, the OSC will recommend an option for resolution of the academic misconduct charges. These options are case dismissal, informal hearing, or academic formal hearing

## **(5) Options for Resolution of Academic Misconduct**

- (a) Case Dismissal: The Director of the OSC or designee may dismiss a case if: the reported case fails to have sufficient facts or information to substantiate the claim of academic misconduct; or the reported violation is not seen to warrant punitive disciplinary action; or the reported behavior reported as academic misconduct is not a violation of the Rules of Conduct. An informal conference may be held where the student may be instructed to complete an educational requirement to demonstrate what was learned from the reported behavior. Upon successful completion of the educational requirement, the reported incident will be dismissed.
- (b) Informal Hearing: At the discretion of the OSC, 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 OSC staff member or designee and accept responsibility for the charges of violation of academic misconduct. At the informal hearing 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. The outcomes from an informal hearing process (decision of responsibility and recommended sanctions) are final and are not eligible for appeal.

- (c) Formal Hearings: If an alleged violation of academic misconduct is not dismissed or otherwise resolved, then the OSC shall present in writing formal charges to the student. The charged student's formal hearing shall be open only to the charged student/co-charged students involved in the same incident, selected advisor, witnesses (when called upon), and a representative from the OSC. 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 as known at the time formal charges were prepared.
  4. Names of potential witnesses known at the time formal charges were prepared.
  5. A description of any physical or written documentation known at the time charges were prepared.
- (d) Academic Integrity Formal Hearings: Students going through the Academic Integrity formal hearing process may elect an Administrative Academic Integrity Formal Hearing or a Panel Academic Integrity Formal Hearing.
1. Administrative Academic Integrity Formal Hearing
    - a. Administrative Academic Integrity formal hearings shall be conducted by one faculty member from the Student Conduct Board. The charged student shall be informed of the hearing officer assigned to the 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.

- b. At hearings conducted by an administrative hearing officer, an OSC staff member shall act as an advisor to the administrative hearing officer. The Director of the OSC 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 punitive and or educational sanctions proposed by the administrative hearing officer.
  - c. The Director of the OSC 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 OSC or designee accepts the proposed finding(s) of "in violation," they may approve, mitigate or increase the sanctions proposed by the administrative hearing officer.
  - d. Any decision by the Director of the OSC 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.

2. Academic Integrity Panel Hearings.

- a. A panel to consider an individual case shall be randomly selected by the OSC from the Student Conduct Board and shall consist of at least one (1) faculty member, one (1) additional faculty or administrative staff member, and two (2) student members. One panel member shall be selected by the OSC to chair the hearing and report the finding(s) and recommended sanctions, if any, to the Director of the OSC or designee.
  - b. For panel hearings, an OSC staff member shall act as an advisor to the panel. The Director of the OSC 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 punitive or educational sanctions proposed by the panel.

- c. The Director of the OSC 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 OSC or designee accepts the proposed finding(s) of “in violation,” they may approve, mitigate or increase the sanctions proposed by the panel.
  - d. Any decision by the Director of the OSC 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.
- (e) Following the Academic Integrity Formal Hearing:
- 1. Undergraduate students found “in violation” will be prescribed punitive and educational conduct sanctions appropriate to the findings and recommendations. The OSC will report the outcome from the academic integrity hearing back to the instructor of record and department chair. In consultation with the college dean or designee, the instructor and the department chair will determine if further course or academic action should be imposed. If the undergraduate program recommends further course or program action, the undergraduate program must notify the OSC and Academic Services. Final results of the academic integrity hearing and/or course or program action must be made available to the student in writing within fourteen (14) business days following the date of the hearing.
  - 2. Undergraduate students found “not in violation” will be notified within fourteen (14) business days. The OSC will report the findings back to the instructor, department chair, and college dean or designee. Students may have proposed course or academic action removed and the instructor may determine a new grade since no violation was found.
  - 3. For graduate students found “in violation”, the OSC notifies the instructor, Associate Dean of Graduate Studies, and the Dean or designee of the Academic College in which the graduate student resides. The college dean or designee will in turn notify the graduate program that a student is in violation and ask if

the program wishes to invoke any program-level academic action(s). The student's graduate program will determine if program action is necessary. If deemed necessary, recommendation of program action will be made using the *Probation/Dismissal Form* and/or *Conditional Retention Plan*. This information will be forwarded to the College of Graduate Studies. The OSC will be notified if the graduate program recommends additional program action. The results of any hearing and/or program action should be available for the student within fourteen (14) business days.

4. For graduate students found "not in violation" of academic misconduct, OSC notifies the instructor, Associate Dean of Graduate Studies and the Dean or designee of the Academic College in which the graduate student resides. The graduate student may have their proposed course or program action removed and the instructor may determine a new grade since no violation was found.

(f) Appeals:

1. Undergraduate or graduate students found "in violation" as the result of an academic integrity formal hearing may appeal the finding(s) and sanction(s) imposed by the Director of the OSC. The appeal must be made in writing to the appellate officer (Provost or designee) within seven (7) business days after the date the student was notified of the decision by the Director of the OSC. Students may appeal the finding and sanction(s) imposed on the basis of one or more of the following:
  - a. Irregularities in fairness and stated procedures of the hearing that could have affected the outcome of the hearing.
  - b. Discovery of new and significant information that could have affected the outcome of the hearing and which was not known or could not reasonably have been discovered and/or presented at the time of the hearing.
  - c. The sanction(s) are extraordinarily disproportionate to the violation(s).

2. Any decision by an appellate officer to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.
3. The appellate officer should issue a written decision to the student's appeal within twenty (20) business days of receipt of the appeal. Should the appellate officer require additional time for review beyond the 20 business days, the appellate officer will notify the charged student in writing of the need for additional time. Decisions of the Provost or designee reflect final agency action.
4. Any decision by the Provost 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.
5. Undergraduate students may appeal program sanctions provided by the student's undergraduate program, per UCF-5.016. Graduate Students may appeal program sanctions provided by the student's graduate program, per UCF-5.017. Students found "in violation" for academic misconduct are not eligible for academic appeal regarding the final grade issued by the course of the reported violation.

#### **(6) Z Designation for Undergraduate Student Academic Misconduct**

- (a) A Z designation denotes a student was found "in violation" of academic misconduct while enrolled in a course. A Z designation does not affect a student's grade point average.
- (b) Z designations will remain on a student's transcript if:
  1. The student is found "in violation" of academic misconduct and the punitive sanction is disciplinary suspension for one or more semesters, disciplinary dismissal, or expulsion; or
  2. The student is found "in violation" of academic misconduct twice during their UCF academic career.

- a. The punitive sanction received in either academic misconduct case has no bearing on the Z designation being permanently placed on the student's transcript.
  - b. A Z designation will be placed in association with both courses in which the student was found "in violation" of academic misconduct.
- (c) If a student is found "in violation" of academic misconduct a Z designation will be placed on their transcript in association with the final course letter grade recorded (ex. ZA, ZB, ZC, ZD, ZF).
- (d) A Z designation will be denoted on the student's transcript as a ZW if a student withdrew from the course prior to the conclusion of the conduct process and was subsequently found "in violation" of academic misconduct.
- (e) OSC will communicate with the Registrar's Office to have Z designations placed on student's transcript following the conclusion of the Conduct Review Process.
- (f) Students have the opportunity to improve the letter grade recorded in association with a course in which they were found "in violation" of academic misconduct through the use of grade forgiveness. The Z designation however will still remain on the student's transcript.
- (g) A student can attempt to have a Z designation permanently removed through participating in the Community ReEngagement and Educational Development (CREED) Program.
- (h) A Z designation will remove a student from consideration for academic awards and honors (e.g. President's List and Dean's List) for the academic semester in which the violation occurred.

## **UCF-5.016**

### **Student Academic Appeals**

#### **(1) Scope.**

- (a) This regulation shall apply to undergraduate and graduate student appeals of grades (typically limited to final grades) resulting from an instructor's:
  1. Alleged deviation from established and announced grading policy;
  2. Alleged errors in application of grading procedures;
  3. Alleged deviation from University syllabus policy or, if applicable, program handbook(s); and
  4. Alleged lowering of grades for non-academic reasons, including discrimination. (A grade appeal alleging discrimination in violation of University policy will be referred to the Office of Institutional Equity.)
- (b) This regulation shall also apply to appeals of undergraduate program action, including termination from an undergraduate academic program.
- (c) The professional judgment exercised by an instructor in assigning a specific grade or in conducting a class is excluded from the provisions of this regulation except as noted above.
- (d) This regulation does not apply to appeals of graduate programs actions or decisions by a faculty member, program, or college, including termination from an academic program, or to the assignment of grades for Thesis or Dissertation credit hours. Appeals from such actions are discussed in and may only be brought under Regulation UCF-5.017.

#### **(2) General Policy. The following assumptions are adopted:**

- (a) Students are entitled to a fair and timely resolution of academic appeals.
- (b) Faculty members and administrators are entitled to a fair and timely forum in defense of their action.
- (c) Students have access to published materials and student government representatives to help them become familiar with and understand procedures for handling academic appeals.
- (d) Faculty members and administrators have access to published materials and University staff to help them be aware of and understand procedures to address academic appeals.
- (e) Resolution of student academic appeals should be made as informally as possible.
- (f) The University as an institution and its faculty are entitled to procedures that ensure the maintenance of academic standards.
- (g) The appropriate forum for discussion or alteration of academic matters is the academic unit responsible for these matters.
- (h) The University is entitled to a reasonable period of time to review allegations of discrimination contained in a grade appeal, and the University may accordingly extend deadlines applicable to the University for purposes of reviewing such allegations.

- (i) Students may consult with Student Government Association's Judicial Advisor or designee, who shall furnish advice regarding the student's rights and responsibilities with respect to this policy.

**(3) Resolution of Student Appeals at Informal Level**

- (a) Step 1: All student academic appeals of allegedly wrongful academic action(s) by an instructor or administrator shall first be brought to the attention of the person whose action is being appealed. (The instructor of the course or administrator whose action is being appealed will be referred to in this regulation as the Responding Party.) This action must be initiated within one semester of the alleged wrongful action or grade. The parties should attempt to resolve the problem in a timely and satisfactory manner. If dissatisfied with the decision of the Responding Party, or if that person is not available, the student must first continue to pursue an informal solution with the unit head, usually the chair or director of the unit.
- (b) Step 2: The unit head or supervisor, in consultation with the Responding Party, should make every effort to communicate with the student and resolve the problem. When classes are in session, this communication shall normally take place within 10 business days of the complaint being brought to the unit head or supervisor. Between semesters and during the summer term, this communication may be extended ten days into the new semester. The unit head or supervisor will provide the student with a written decision that includes reference to student academic appeals procedures.
  1. When the Responding Party is not available to discuss the problem, if at all possible, the resolution should wait until such time as the Responding Party can return to the campus, but not more than six months.
  2. If the unit head or college dean or designee determines that an emergency exists requiring that the problem be solved prior to the availability of the Responding Party (e.g. in a case of probable delayed graduation), the unit head or dean or designee shall make every reasonable effort to inform the Responding Party of the situation. The Responding Party may elect to submit a written statement and/or to designate a replacement to aid in solving the problem.
  3. If the Responding Party cannot be reached or does not designate a replacement, and the complaint must be dealt with promptly, then the unit head or dean or designee shall act on behalf of the Responding Party.

**(4) Resolution of Student Academic Appeals at the College Level**

- (a) Step 3: Within 10 business days of receipt of the unit head's or supervisor's decision, if the student wishes to file a formal appeal, the student must contact the dean's office of the college in which the action occurred and schedule an appointment with the dean or a designee. That individual will informally review

- the student's concerns, counsel the student on his/her options, and explain the formal Student Academic Appeals process.
- (b) Step 4: After consultation with the administrator, within 10 days of their meeting or conversation, the student may appeal in writing to the Student Academic Appeals Committee of the college. This committee will determine the legitimacy of the awarded grade and/or the academic program action and if appropriate, suggest a resolution. The student's written appeal shall include the basis of the original complaint, the dates when the instructor, unit head, administrator, or supervisor, discussed the problem with the student, and the suggested resolution at that time.

**(5) Composition of the Student Academic Appeals Committee**

- (a) Each college shall establish a Student Academic Appeals Committee whenever required.
- (b) The committee shall be made up of at least three and no more than five tenure-earning or tenured faculty members and an equal number of students of comparable academic classification as the student initiating the appeal.
- (c) Student members shall be selected by the dean of the college or designee from a panel of students. This panel shall be appointed by the Vice President of Student Development and Enrollment Services or the College of Graduate Studies.
- (d) Any member may be challenged for cause by either party. The validity of such challenges shall be decided by the Office of Student Rights and Responsibilities. If a challenge is upheld, the college dean or designee shall appoint a replacement from the college's tenured and tenure-earning faculty or the student panel.
- (e) The college dean or designee shall assemble the Student Academic Appeals Committee to conduct a formal review of the student academic appeal.

**(6) Formal Review of a Student Academic Appeal**

- (a) In conducting a formal review, the Student Academic Appeals Committee shall adhere to the following guidelines:
1. The time limits specified in the following review procedure may be extended by mutual agreement of the parties.
  2. The committee shall not be officially convened to review the appeal until the Responding Party, or substitute/replacement, has received a copy of the appeal and has had at least 5 business days to submit, if desired, a response or additional information. The student will be provided with a copy of any material submitted by the Responding Party at least 5 business days before the committee meets to review the case.
  3. The committee should make every reasonable effort to meet for review of the case within 20 business days after receipt of the student's written appeal and any information provided by the Responding Party and/or unit head.

4. The committee will function as an objective, fact finding body when examining all available and relevant information concerning the student's appeal of academic action by the Responding Party. Such information shall include the student's written appeal, written and/or oral information provided by the Responding Party, statements made by both parties before the committee, and any other information the committee may deem relevant.
  5. The college dean or designee will convene the committee, establish procedural rules for conducting the meeting, serve as its chair, and will vote in the case of a tie. The meeting is not covered by Sunshine laws, and is thus closed to outside parties.
  6. The student and Responding Party shall be invited to meet with the committee. Each shall be allowed adequate time to respond to the appeal and material as submitted, to answer any questions from committee members, and to present additional information needed to clarify the issues involved.
  7. After meeting with both parties, the committee will deliberate and issue a decision by majority vote. The committee will first decide if the student has proven that there were grounds for the appeal, and second, if there were grounds, what resolution should be implemented. This decision may let the grade/action stand as is or change the grade/action. If the decision of the committee is to change the grade, only the faculty members on the committee will be involved in deciding what the change will be. The committee chair will ensure that the committee's majority opinion is recorded and forwarded to the college dean.
- (b) The college dean will provide copies of the panel's decision within 10 business days of the Student Academic Appeals Panel hearing to both parties concerned, to the Provost, and all other involved parties and departments.

**(7) Final Appeal**

- (a) Step 6: If dissatisfied with the college dean's decision, the student may, within 10 business days, file a written request for review with the dean of undergraduate studies or the dean of graduate studies (depending upon the classification of the student), stating the basis for review and the resolution sought by the student.
- (b) Acting as the University President's representative, the dean of undergraduate studies or the dean of graduate studies shall make a final decision on the matter within 10 business days of receipt of the student's request for review. Copies of the dean's written decision shall be sent to the student, the college dean, the chair, the Director of OSC, the Responding Party, and other involved parties.

## **UCF-5.017 Appeals of Graduate Program Actions or Decisions**

### **(1) Review of Academic Performance.**

- (a) The primary responsibility for monitoring a student's progress to degree (or program completion) rests with the graduate program, although the College of Graduate Studies also monitors a student's progress and takes appropriate actions if performance standards as specified by the program and University are not maintained. Satisfactory progress to degree (or program completion) requires an ongoing evaluation of a student's performance in a program as indicated by satisfactory grades within courses, successful performance on program competency exams, progress in thesis and dissertation research, the maintenance of the standards of academic and professional integrity expected in a particular discipline or program, and any other measures of progress as customarily used in the program. Academic probation or even dismissal of the student from the program may occur when the individual is not making satisfactory progress to degree (or program completion).
- (b) A graduate program may also recommend dismissal if the student fails to maintain the standards of academic and professional integrity, meet or exceed the professional competencies of the discipline, or maintain the competence necessary for the welfare of faculty, fellow students, staff, patients, clients, or others encountered in internships, externships, or other classes required by the degree program. A student's performance in clinical settings may be evaluated by clinical supervisors or other clinicians in conjunction with instructors of record and/or faculty advisors.
- (c) A student may be immediately terminated from a clinical assignment and/or graduate program when, in the professional judgment of a qualified clinician, faculty supervisor or instructor of record, client/patient welfare could be at risk. In cases where client/patient welfare could be at risk, graduate programs may forego published procedures for advising, mentoring or probation if documentation from clinical or faculty supervisors indicate immediate action was necessary to protect the welfare of others. When immediate action is taken, the graduate program must inform the student in writing of the action and the reasons

- for the action. The student may appeal such action as a graduate program action under this Regulation.
- (d) Misconduct associated with research or misconduct in laboratory assignments may result in immediate termination from the assignment and/or the graduate program when the misconduct places clients, researchers, subjects or the university at risk
  - (e) It is incumbent on the graduate program to give the student an opportunity to discuss the pending action with the program director and provide additional relevant information prior to making a recommendation of probation or dismissal. A student does not have to agree with the action in order for the program to move forward with a recommendation of probation or dismissal.
  - (f) The Dean of the College of Graduate Studies has final authority over probation and dismissal recommendations and will execute them accordingly.
    - 1. Once dismissed, a student may apply to UCF as a student in another program, or as a non-degree student. Readmitted students are prohibited from taking courses in the program from which they were dismissed.
    - 2. A student can only be reinstated to the previous graduate program by either submitting a new application to the program with a new admissions decision, or through a formal grievance process. (See Grievance Procedures in following section).

**(2) Other Procedures.** Graduate students disputing a graduate program action (including the evaluation of their progress to degree) as described above, have several routes of appeal depending on the nature of the grievance.

- (a) In the appeal of a grade in a specific course (excluding thesis or dissertation credit hours) students are referred to Regulation UCF-5.016 for the grade appeal procedures.
- (b) For issues resulting from a failure to maintain academic behavior standards such as cheating, plagiarism, etc., students are referred to Regulation UCF 5.015 (and, as appropriate, student conduct review procedures).
- (c) Misconduct associated with research will follow procedures determined by the Office of Research and Commercialization.

(d) All other grievances, including the appeal of grades issued in Thesis and Dissertation credit hours, follow the Procedure for Other Grievances of Graduate Students as outlined in this Regulation.

**(3) Applicability of graduate program action appeal procedure:**

- (a) This regulation applies to graduate student appeals of decisions made by the College of Graduate Studies, an academic college or graduate degree program based on:
1. Alleged deviation from program or university policies as outlined in the Graduate Catalog or Graduate Program Handbook(s)
  2. Alleged errors in application of policies or procedures
  3. Alleged probation or dismissal due to non-academic reasons
  4. Alleged deviation from the University's syllabus policy
  5. Alleged discrimination and/or sexual harassment in the program, department or college. (An appeal alleging discrimination and/or sexual harassment in the program, department or college will be referred directly to the Office Institutional Equity. The University is entitled to a reasonable period of time to review allegations of discrimination contained in a graduate student appeal, and the University may accordingly extend deadlines applicable to the University for purposes of reviewing such allegations.)
- (b) Decisions based on professional judgment of an instructor, faculty member or clinical supervisor in the assignment of a grade or assessment of a student's performance in a class are excluded from the provisions of this regulation except as noted above. Probation or dismissal due to unsatisfactory performance on competency exams, research, or progress in thesis or dissertation research may not be appealed based on the student's disagreement with the professional judgment of an instructor, faculty member or advisor. Students may appeal based on alleged errors in process or alleged non-academic reasons.
- (c) Students placed on probation or dismissed by the College of Graduate Studies for not maintaining at least a 3.0 GPA may not appeal the academic program or academic college's decision to not submit a Conditional Retention Plan (CRP). A CRP may be offered to a student when, in the discretion of the academic program,

extenuating circumstances warrant such an exception; however, graduate programs are not obligated to provide a CRP.

**(4) Procedure for Other Grievances of Graduate Students.** Students are entitled to a fair and timely resolution of appeals. This procedure is intended for graduate students having complaints regarding specific actions or decisions by a faculty member, program or college, including termination from an academic program, for reasons that are not covered in Section 2(a)-2(c) above. The graduate student is encouraged to first discuss the matter within the academic unit of the grievance and attempt to resolve the grievance informally. The formal procedure is as follows:

- (a) Step 1 -Program and Department Level: The graduate student appealing the decision of a program, must state the nature of the grievance in writing to the graduate program director, including a brief narrative of the grievance, the parties involved, and a statement of the remedy being requested. All appeals must be submitted using the form located at <https://graduatematters.ucf.edu/appeals-committee>. This statement must be submitted by the graduate student within six (6) months of the notification date of the occurrence of the program action being appealed.
- (b) Dependent on the nature of the grievance, the graduate program director will in ten business days following receipt of the grievance either make a recommendation about the grievance to the unit head or refer the grievance to the unit/ program graduate committee to examine the issue at their next scheduled meeting. The unit/program graduate committee may invite the aggrieved student and others having information about the case to attend the meeting and present information and arguments about the grievance. If so invited, the graduate student can have a personal advisor at the meeting, but the advisor can only confer with the student and not participate in the committee meeting. The unit/ program graduate committee will make a recommendation about the grievance to the graduate program director.
- (c) The graduate program director will consider the input of the unit/ program graduate committee and make a recommendation to the unit head about the grievance. The unit head will then make a final decision about the grievance at the

- program/ unit level and inform the student of the decision within ten business days after receiving the recommendation from the graduate program director.
- (d) Step 2 - College Level: Should the graduate student disagree with the decision of the unit head, the student has ten business days to file a written appeal of the decision with the academic college graduate coordinator (or the Dean of the College of Graduate Studies in the case of interdisciplinary programs with no academic college assigned to oversight of the program). It is incumbent on the student to explain in the appeal why the unit/program decision is in error and should be reexamined. At each appeal level, the basis for the appeal must be the same as the original appeal or must articulate new information discovered as part of the appeal process itself. If the basis for the appeal changes, the student will be considered to be initiating a new appeal that must begin at the initial level of the appeal process (and which must be timely).
- (e) Dependent on the grievance, the academic college graduate coordinator will, in ten business days following receipt of the appeal, either make a recommendation to the college dean about the grievance or refer the grievance to the college graduate committee to examine the issue at their next scheduled meeting. The college graduate committee may invite the aggrieved student and others having information about the case to attend the meeting and present information about the grievance. If so invited, the graduate student can have a personal advisor at the committee meeting, but the advisor can only confer with the student and not participate in the committee meeting. The college graduate committee will make a recommendation about the grievance to the college graduate coordinator.
- (f) The academic college graduate coordinator after considering the input of the college graduate committee will make a recommendation to the college dean about the grievance. The college dean will then make the final decision about the grievance at the academic college level, and inform the student of the decision within ten business days after receiving the recommendation from the college graduate coordinator.
- (g) Step 3 - College of Graduate Studies Level: Should the graduate student disagree with the decision of the academic college dean, the student has ten business days following receipt of the college decision to file a written appeal of the decision at

the university-level with the Dean of the College of Graduate Studies. It is incumbent on the student to explain in the appeal why the academic college decision is in error and should be reexamined.

- (h) Dependent on the appeal, the Dean of the College of Graduate Studies will within ten business days following receipt of the appeal either make a decision about the grievance or refer the appeal to the Appeals Subcommittee of the Graduate Council to examine the issue at a scheduled meeting. The Appeals Subcommittee may invite the aggrieved student as well as others having information about the grievance to attend and present information about the grievance. If so invited, the graduate student can have a personal advisor at the meeting, but the advisor can only confer with the student and not participate in the committee meeting. The Appeals Subcommittee will submit a recommendation to the Dean of the College of Graduate Studies concerning the grievance.
- (i) The Dean of the College of Graduate Studies will consider the input of the Appeals Subcommittee of the Graduate Council and make a final decision about the grievance for the university. There is no appeal beyond the level of Dean of the Graduate College as this person is vested with the final authority by the President of the University.

## **University Registrar**

### **(1) Student Record Guidelines**

Student records submitted become the property of the University and cannot be returned to the student or released to a third party. Copies of student records will be released only upon receipt of a written request signed by the student. Student records are stored in paper form or are digitally scanned. Once the student has been absent from the University for three academic years, all records are transferred to optical disk storage and the paper copies destroyed.

#### **(a) Family Educational Rights and Privacy Act (FERPA)**

The procedures for protecting the confidentiality of student records are based on state regulations and the federal Family Educational Rights and Privacy Act of 1974. FERPA affords students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within 30 days of the day the University receives a written request for access. Students should submit to the University Registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they desire to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed;
2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. The student may ask the University to amend a record that he or she believes is inaccurate or misleading. The student should write the University official responsible for the record, clearly identify the part of the record to be changed, and specify why the current record is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing;
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception that permits disclosure without consent is disclosure to

school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility;

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by a State University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington DC, 20202-4605

5. Directory Information FERPA authorizes the University to classify certain information concerning students as “directory information,” which means that it may be released to anyone upon request. In accordance with Florida Statutes Section 228.093, the University is required to release student directory information to independent vendors upon request. Directory information at UCF includes:
  - Name;
  - current mailing address;
  - telephone number;
  - e-mail address;
  - date of birth;
  - major field of study;
  - dates of attendance;
  - enrollment status;
  - degrees and awards received;
  - participation in officially registered activities and sports; and
  - Athlete’s height and weight.

All other student information will be released in accordance with FERPA; in most cases this requires the student’s prior written and signed consent. The University extends to students the opportunity to

withhold any or all information, including “directory information.” To do this, students must complete the “Directory Disclosure/ Release Authorization” form available at the Registrar’s Office (MH 161) or online at <http://registrar.ucf.edu>, requesting that this information be withheld. The Golden Rule outlines the University procedures for confidentiality. For additional information describing FERPA policy, enter the Department of Education Family Policy Compliance Office website at <http://www.ed.gov/offices/OM/fpcos/>.

## **(2) Student Communication Responsibility Policy**

- (a) To communicate in a more expedient manner, UCF uses e-mail as the primary means of notifying students of important university business and information dealing with registration, deadlines, financial assistance, scholarships, tuition and fees, etc.
- (b) To avoid missing important communications from the university, students must ensure that the university has an up-to-date “preferred” e-mail address, as well as both a permanent and mailing (local) address.
- (c) It is critical that students maintain and regularly check their “preferred” e-mail account for official announcements and notifications. Communications mailed to a student’s “preferred” email address are considered official notice. The university does not accept responsibility if official communication fails to reach a student who has not notified the university of a change of e-mail or mailing address.
- (d) Please ensure that your e-mail address, as well as your permanent and mailing (local) address and telephone number are current with the university at all times.

Students can update their contact information on the web at: <http://my.ucf.edu>

## **Student Health Services**

### **(1) Drug-Free Workplace/Drug-Free Schools Policy Statement**

This is a statement of the standards of conduct and disciplinary sanctions to be imposed for the unlawful possession, use or distribution of illicit drugs and alcohol by UCF students and employees on UCF property or as part of any of its activities. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or the unlawful possession or use of alcohol is prohibited in and on UCF owned and controlled property or as part of any of its activities. Any UCF employee or student determined to have violated this policy shall be subject to disciplinary action for misconduct, action which may include termination or expulsion and referral for criminal prosecution. No employee or student is to report to work, class or any University activity while under the influence of illegal drugs or alcohol. Violation of these policies by an employee or student will be reason for evaluation and possible intervention or treatment for alcohol and other drug abuse or dependency disorders. The University's alcoholic beverages policy is stated below.

### **(2) Campus Alcoholic Beverages Policy**

- (a) Policy- The sale, service, possession, and consumption of alcoholic beverages shall comply with state and federal laws, city and county ordinances, and the licensing agreement with on-campus distributors which allows for the sale and service of alcoholic beverages. In addition, the University has formulated the following policies governing the sale, service, possession, and consumption of alcoholic beverages on campus.
- (b) Guidelines- The sale or service of alcoholic beverages to persons younger than 21 years of age is prohibited.
  - 1. Possession or consumption of alcoholic beverages is prohibited by persons younger than 21 years of age.
  - 2. Possession or consumption of alcoholic beverages in open or unsealed containers is prohibited, except in designated areas or as approved with special events.
  - 3. Individuals are responsible for their actions, regardless of whether or not their mental or physical state may be affected by mind-altering chemicals such as alcohol and other drugs.
  - 4. Student organizations may develop more stringent regulations regarding alcohol use.
- (c) Location- The sale of alcoholic beverages on the University campus may be permitted only in licensed areas by licensed on-campus distributors.

1. The sale or service of alcoholic beverages to individuals of legal age will be permitted at other select campus locations for catered functions by properly authorized distributors.
  2. The serving, possession or consumption of alcohol by individuals of legal age may be permitted in private residential rooms in the residence halls and other on-campus housing, unless otherwise prohibited by the governing organization. Consumption of alcoholic beverages in public or common areas within on-campus residential units shall follow guidelines provided by their governing organization.
- (d) Approval Procedure for Student Groups- Prior approvals for students or student organizations to host an event where alcoholic beverages are present in non-licensed campus locations must be obtained from the associate Vice President for Campus Life or designee.
1. The following information must be supplied by the student organization and approved by the appropriate University officials, no less than 15 calendar days prior to the event(s). The required form may be obtained from the Office of Student Involvement. These arrangements include but are not limited to:
    - a. Sponsoring organization and nature of event;
    - b. Date, beginning and ending times and location of event;
    - c. Number in attendance and method of registering guests;
    - d. Method of designation for those of age/underage;
    - e. Contained area where alcohol consumption is permitted;
    - f. Type of alcohol along with food and alternative non-alcoholic beverages to be provided;
    - g. Method of security including number of campus police officers;
    - h. Person to be contacted at event in case of questions or problems.
  2. When an event is properly scheduled to take place in a location for which a campus concession holds a license, alcoholic beverages are to be sold through the concession and their license. Groups or organizations that seek to sell beer or wine along with a non-alcoholic choice at other locations on campus must obtain approval to secure a beer or wine license from the Director of Business Services prior to making application for the license. With approval, the license is then to be obtained by the organization from the Alcoholic Beverages and Tobacco Division of the Department of Business Regulations.

**(3) Student Organizations**

- (a) Active registered student organizations must secure in writing permission to serve or consume alcoholic beverages on property owned or operated by the

University of Central Florida for the purpose of engaging in any activity to benefit either their own organization directly, or a program that their organization may sponsor, as follows:

1. Student Union and inside the Pegasus Circle - Director of the Student Union or designee
  2. Outdoor area immediately adjacent to any building - officially designated building manager for that facility
  3. Other outdoor open spaces on the campus - designated sponsors, i.e. Lake Claire - Director of the Recreation and Wellness Center or designee.
  4. Inside any building - officially designated building manager for that facility
- (b) Permission by active registered student organizations to use any space on each regional campus or its host institution's campus for the purpose of providing or consuming alcoholic beverages must be secured in writing in advance by the Director of Campus Life on each regional campus.

**(4) Drug/Alcohol Counseling, Treatment, or Rehabilitation and/or Re-entry Programs Available to UCF Student and Employees**

Substance Use Disorders Prevention, Treatment & Recovery Services are available at the UCF Student Health Center. A variety of health promotion services, including education, assessment for substance use disorders, interventions, treatment and recovery support are provided to UCF students by clinicians at Student Health Services. Confidential screening and assessment is available for students who are interested in feedback regarding risk and protective factors associated with their self-reported substance use.

Student Health partners with other campus and community entities to support services that encourage individuals and student organizations to make safer, responsible choices that enhance their personal and academic success at UCF.

**Applicable Legal Sanctions Under Federal, State and Local Law for the Unlawful Possession or Distribution of Illicit Drugs and Alcohol**

- (a) In the U.S. Department of Justice, Drug Enforcement Agency 1989 edition of Drugs and Abuse the following statement is provided regarding applicable legal sanctions under federal law for the unlawful possession or distribution of illicit drugs. "The foundation of the federal fight against drugs is Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, commonly known as the Controlled Substance Act (CSA). The basic Provisions of that law were strengthened by the Congress in 1984 and again with the Anti-Drug Abuse Act of 1986. The CSA provides penalties for unlawful manufacturing, distribution, and dispensing of controlled substances. The penalties are basically determined by the schedule of the drug or other substance, and sometime are specified by drug name, as in the case of marijuana. As the statute has been amended since

its initial passage in 1970, the penalties have been altered by Congress.” Florida laws (directed to discourage persons from driving under the influence of drugs or alcohol) have severe penalties including mandatory minimum incarceration sentences. Other sanctions include:

- Suspension or revocation of driver’s license;
- Suspension of vehicle registration and return of license plates, in the case of a multiple offender;
- Mandatory blood testing to determine alcohol or drugs levels; and
- Mandated assessment and counseling, and fines.

**(5) Biennial Review by UCF of its Drug-Free Workplace/Drug-Free School Policy Compliance**

The Division of Student Development and Enrollment Services and Human Resources office will review, on a biennial basis, the effectiveness of the programs stated in its Drug-Free Workplace/Drug-Free Schools Policy Statement and will implement changes to the programs if they are needed in accordance with the Drug-Free Schools and Communities Act amendments of 1989 (Public law 101-226). This review will also be conducted to ensure that the disciplinary sanctions stated in the UCF Policy Statement are consistently enforced.

## **Office of Student Involvement**

### **(1) Student Activities and Organizations**

The University supports a variety of student organizations as a belief in their co-curricular value, their role in the general education of students, and their being an asset to the University community. Opportunities for student involvement in student organizations include student government, academic, honorary, athletics, religious, special interests, cultural, international and service groups. Student organizations play an important role in the total University life and must, therefore, exercise judgment and responsibility in the planning and implementation of their activities. This judgment and responsibility extends to individual members and officers of organizations. Organizations and individuals must also observe certain regulations for rational and effective operation in the University community.

#### **(a) Student Organizations**

##### **1. Benefits of Involvement**

The University of Central Florida (UCF) recognizes the importance of active and effective student organizations. Research clearly shows that those students who choose to become involved in some form of organized activity do better academically, persist through graduation, and gain valuable career related and life skills, and experience greater personal development when compared to those students who choose not to get involved. These benefits are even more enhanced for those students who take on leadership roles within student organizations.

##### **2. The Ability to Organize**

The University encourages students to organize themselves and to pursue personal and/or professional interests. Further, the University supports the choice to form and affiliate with an organization and strives to remove administrative barriers that would hinder such involvement.

##### **3. University Oversight**

The University has the responsibility to exercise appropriate oversight over student organizations and their related activities. This includes the official registration of all student organizations through the Office of Student Involvement as well as oversight for the appropriate time, place and manner of all activities, events, etc. Policies and procedures related to the conduct of student organizations are presented below.

### **(2) Approval and Registration of Student Organizations**

#### **(a) New Student Organization Registration**

Any student association, group, or organization other than the Student Government Association is eligible for active registration as a registered student organization. Approval and registration is permitted and completed upon the recommendation of the Student Government Association, the review and concurrence of the Office of Student Involvement, compliance with all registration requirements and the approval of the Associate Vice President for Student Development and Enrollment Services or designee. In order to comply with the University's commitment to non-discrimination, student organizations shall not discriminate in membership or leadership on the basis of race, color, religion, sex, national origin, age, ability, marital status, sexual orientation, gender identity, gender expression, genetic information, or veteran status. Social fraternities and sororities permitted to do so by Title IX of the Educational Amendments of 1972 may restrict membership on the basis of sex and will not be denied registration on that basis. Student organizations whose primary purpose or mission is religious which adopt eligibility criteria for leadership positions based on religious beliefs will not be denied registration on that basis.

#### 1. Registration Process

To be considered for approval and registration, a student organization must submit to the Office of Student Involvement a list of UCF student members and their UCFID numbers, a list of all officers and their UCFID numbers, the signature of two officers and the faculty/staff advisor(s), the organization's constitution and completion of officer training (minimum two officers).

Proposed student organizations must have a minimum of twelve UCF student members, exceptions to this rule can be requested and approved by the director of the Office of Student Involvement or designee for Regional Campus Organizations, College of Medicine Organizations, Organizations affiliated with a National Governing Body, and Organizations classified as Graduate.

Exceptions to this rule can be requested and approved by the director of the Office of Student Involvement or designee for Regional Campus Organizations, College of Medicine Organizations, Organizations affiliated with a National Governing Body, and Organizations classified as Graduate. A proposed student organization, with a mission/purpose that appears to duplicate that of an existing organization, may not be approved or recognized. No student organization may be set up so that any individual benefits monetarily from its existence.

#### 2. Privileges of Registration

Student organizations registered by the University may be granted the following privileges:

- a. The privilege to use University facilities depending on availability,

- program and guidelines;
- b. The privilege to request Student Government Association activity and service fees provided said organization adheres to the Student Body Constitution, the Student Body Statutes, and all Student Government financial regulations;
- c. The privilege to establish dues and sponsor money-raising projects;
- d. The privilege to use the University's name as part of the organization's name as per Organizational Rules of Conduct;
- e. The privilege to invite guest speakers to campus;
- f. The privilege to grant awards and honors to organization members.
- g. The privilege of access to campus for recruiting, fundraising, and publicity;
- h. The privilege of a free organizational website;
- i. The privilege of access to resources provided by university departments and offices;
- j. The privilege to apply for cubicle and storage space on campus;
- k. The privilege to program with SGA agencies;
- l. The privilege to participate, as a group, in University-sponsored events
3. In seeking, securing, and maintaining the privilege to be registered, each student organization must agree in writing to abide by all university policies, procedures, and regulations and to hold harmless the University for any actions or activities of the organization. Approval and registration of student organizations by the University shall not imply support for any student organization's purpose, philosophy or activities. While faculty and staff members of the University serve in advisory capacities to student organizations, it is presumed that students of legal adult age are adults, and therefore, make and are accountable for their decisions and behaviors as individuals and as members of the organization. The University will not assume any legal liability for any student organization's activities per Florida Administrative Code.

**(b) Re-registration and**

Organizations which have been approved and wish to maintain registration with the Office of Student Involvement shall re-register and complete officer training annually, based on the date of the organization's last registration. In addition organizations are required to re-register within 10 school days of any change of

information for the organization (e.g. elections, officer change, advisor change).. The report must include a current listing of the organization's membership and officers, the signature of at least two current officers and the faculty/staff advisor(s), and the organization's contact information.

Complete membership and officer lists should be made available to the Office of Student Involvement upon request. Should an organization fail to register each fiscal year (July 1<sup>st</sup> through June 30), by attending Orientation and submitting an Update Form, that organization shall be considered inactive.

**(c) Inactive Organizations**

Organizations that fail to re-register within 15 months of their last registration or fail to meet any of the other requirements listed above will be considered inactive. Inactive organizations may only be reactivated by following the aforementioned registration process.

**(d) Constitutions**

Changes made to an organization's existing constitution must be submitted to and approved by the Office of Student Involvement in order to take effect.

Organization are required to follow their current constitutions in implementing any revisions

**(3) Funds and Expenditures**

Complete financial statements shall be made available to the Office of Student Involvement upon request. Registered organizations may receive operating and programming funds from Student Government Association through an application process. All approved Student Government Association funding will be disbursed and expended through the Activity and Service Fee Business Office. Student organizations receiving funds must comply with Student Government, Activity and Service Fee Business Office, and Office of Finance and Accounting Guidelines. In the event an organization is inactive, organizational funds shall be distributed as per its constitution, but cannot be distributed to an individual or other student organization.

**(4) Membership**

Membership in any student organization is limited to:

- (a) Any UCF student who is paying activity and service fees and is currently or continuously enrolled with the University of Central Florida.
- (b) Any Valencia College Downtown student that meets it's institution's eligibility for student organization membership, as long as the organization's constitution, bylaw or National Governing documents does not prohibit it.

Organizational membership requirements must also be satisfied. UCF employees may be non-voting members if the organization's national constitution and by-laws allow for it. In order to comply with the University's commitment to non-discrimination, all students who enroll at the University will be assured equal access to educational programs and related opportunities, including student organizations and related programming, without regard to race, color, religion, sex, national origin, age, ability, marital status, sexual orientation, gender identity, gender expression, and veteran status

*Title IX of the Educational Amendments of 1972 makes an exception for social fraternities and sororities with regard to sex for membership criteria.*

**(5) Student Eligibility for Leadership and Officer Positions**

- (a) Registered Student Organizations may not discriminate in membership or in officer positions on the basis of race, color, sex, national origin, age, ability, marital status, sexual orientation, gender identity, gender expression, genetic information, or veteran status. However, Student Organizations whose primary purpose or mission is religious may adopt eligibility criteria for officer positions which are consistent with those beliefs.
- (b) The University has established the following minimum requirements for student leadership and officer positions. Such positions may be elected or appointed and shall include without limitation, only as the University deems appropriate in its sole discretion, student government officials, officers of active registered student organizations, members of University department- sponsored groups, and members of University committees. Student leadership and officer positions which require current enrollment in a specific academic program must fulfill the academic requirements of the program in maintaining satisfactory academic progress towards degree completion as determined by the University Registrar. These minimum requirements may be reviewed for waiver only under extraordinary circumstances as deemed appropriate by the University in its sole discretion.
  - 1. During fall and spring semesters, a student leader must be currently enrolled as an activity and service fee-paying half-time student (currently defined as at least six (6) credit hours as an undergraduate degree- seeking student or a post-baccalaureate student, or at least five (5) credit hours in a graduate degree- seeking program or at least three (3) credit hours if registered for dissertation or thesis hours). The student is not required to be enrolled during summer term; however, the student must be continuously enrolled for the minimum number of hours stated above during the preceding spring semester and following fall semester. Exceptions shall be made, upon appeal, for students in their last semester prior to graduation.
  - 2. A student leader must have a minimum institutional grade point average

for their current academic career (i.e., undergraduate or graduate). This is a grade point average of 2.5 for Undergraduate Students and 3.0 for Post-Baccalaureate or Graduate Students, for all hours earned: a. toward UCF classes (i.e., UCF Cumulative GPA), or b. at a previous educational institution, if the student is in their first semester (within their current academic career) at UCF.

3. A student leader must be in good academic and disciplinary standing, defined as not being on academic or disciplinary probation.
4. A student leader must be free of financial or disciplinary holds on University records. Upon notification of ineligibility, students have two (2) weeks to gain eligibility before removal from leadership position. Students who do not meet the above minimum requirements may submit a written appeal to the Eligibility Appeals Board through the Office of Student Involvement within 2 weeks from the first day of being alerted of their eligibility delinquency by the Office of Student Involvement. The appeal should address the causes for ineligibility and reasons for believing that the problems have been resolved. The Eligibility Appeals Board is made up of students (3) appointed by the Student Body President and faculty (1) and staff (2) appointed by the Director of the OSC. The board elects their chairperson, who votes only in case of a tie. The Eligibility Appeals Board shall resolve the issue within four weeks. The Eligibility Appeals Board is the deciding body that, upon hearing the appeal may waive the eligibility requirements for that semester. Students may only be granted one appeal per criterion every two consecutive regular semesters (fall and spring).
5. Valencia College Downtown Students that are members of an organization must be a student that meets its institution's eligibility for student organization leadership positions.

The Eligibility Appeals Board may review the academic record of students in those positions of leadership or responsibility. The decisions of the Eligibility Appeals Board are final.

The Student Government Association has established eligibility requirements for selected positions within student government. These requirements and governing procedures are presented in their election and eligibility statutes, which are made available to any student upon request, as well as to all candidates filing for office.

#### **(6) Faculty or Staff Advisor**

All organizations shall have a contracted UCF employee, as defined by Human Resources, faculty or staff advisor in order to be considered for approval and registration. The advisor has no voting rights in organizational decisions. Additionally, a faculty or staff advisor is required in order to receive Student Government Association funding.

**(7) Event Management**

**(a) Event Management for Events**

1. Potentially Hazardous Events/SAFE Form
  - a. This regulation applies to the holding of potentially hazardous events on university controlled property. Excepted from this regulation are official events which are scheduled annually in university publications (classes, orientation, registration, etc.).
  - b. The provisions of this regulation are in addition to the provisions of other University regulations and university policies related to campus events.
  - c. A potentially hazardous event is defined as any activity that could reasonably be expected to create a risk of harm to persons or of defacement or damage to public or private property. Examples of potentially hazardous events include, but are not limited to: bonfires; lighting of fireworks; events involving helicopters or other aircraft; motor vehicle races; gatherings in excess of 400 persons, including unregistered campus athletic events; marches (including any organized walks or runs); parades; outdoor events involving animals; any event involving the distribution of alcohol; and any event on Memory Mall.
  - d. Any event that meets the above criteria would require the organization to complete a SAFE Form at least 15 days prior to event date.
  - e. Full regulation can be found at regulations.ucf.edu
    - i. UCF-4.0292 Potentially Hazardous Events

**(b) Responsibility**

The sponsoring organization is responsible for implementation of this procedure.

**1. Loud Speakers and Sound Equipment**

Active registered organizations must secure in writing permission to use amplified sound on campus (including Research Pavilion) for the purpose of engaging in any activity to benefit either their own organization directly or a program that their organization may sponsor, as follows:

- a. Student Union and inside the Pegasus Circle - Director of the Student Union or designee (see Student Union Amplified Sound Policy);
  - b. Outdoor area immediately adjacent to any building—officially designated building manager for that facility;
  - c. Other outdoor open spaces on the campus - designated sponsors, i.e., Lake Claire - Director of the Recreation and Wellness Center;
  - d. Inside any building - officially designated building manager for that facility.
  - e. Permission by active registered student organizations to use any space on each regional campus or its host institution's campus for the purpose of such fundraising must be secured in writing in advance from the Director of Campus Life on each regional campus. All registered student events must be in compliance with local, state, and federal law.
2. Admission Fees  
Student organizations wishing to charge admission to an event should receive prior approval from the Office of Student Involvement. No admission fees may be charged to students for activity and service fee funded events pursuant to applicable Florida statutes.
3. Contracts  
No student is permitted to represent the University as a signatory on contracts.
4. Student Organization Contests, Campaigns, or Petitions  
Any student organization sponsoring a fundraising campaign, contest, competition or petition must register with the Office of Student Involvement. This does not pertain to Student Government Association elections.

**(8) Campus Demonstrations and Other Outdoor Events**

- (a) Subject to the limitations of this and related regulations, outdoor areas of the University campus may be used for demonstrations and other exercises of free speech and assembly. Such use must not interfere with the conduct of classes or University activities and must not infringe on the rights of. All general requirements for use of the University buildings and outdoor areas of campus set forth in University regulations UCF-4.029, UCF-4.0292, UCF-4.0293, and UCF-4.0294 apply to uses of University grounds under this regulation.
- (b) No campus buildings, other indoor facilities, or athletic or recreational facilities may be used for demonstrations or assemblies unless specifically permitted in writing by the campus authority specifically responsible for the building or

- facility.
- (c) University organizations and University-related organizations may organize, conduct, or participate in demonstrations and other exercises of free speech and assembly on University grounds, except for non-common outdoor areas. All information regarding most up-to-date policies concerning University buildings and outdoor areas of campus are set forth in University Regulations UCF-4.029, UCF-4.0292, UCF-4.0293, and UCF-4.0294.
- (d) Non-university organizations and persons may conduct spontaneous expressive activities, and other exercises of free speech and assembly, on outdoor areas of the University campus that are otherwise accessible to the campus community for common use, but must abide by the reasonable time, place, and manner restrictions set forth in this and related University regulations (see also University Regulations UCF-4.029, 4.0292, and 4.0294), including that such use be lawful and non-disruptive. A person making use of the outdoor areas of the University's campus for expressive activities does not have the right to limit access to those outdoor areas or to conduct commercial activities in conjunction with the person's expressive activities. Campus demonstrations that will take the form of or involve a parade or march on campus must follow the requirements of Regulation UCF-4.0292, "Potentially Hazardous Events." This is required so that necessary safety precautions can be taken, particularly where the parade or march route will cross lanes of vehicular or pedestrian traffic.

**(9) Advertising and Signs**

Exterior signage is allowed for students sponsored activities, clubs and events to promote student participation.

- (a) Student organizations may use exterior signs to advertise activities, clubs, and events three times per semester.
- (b) All signs must be registered and properly "stickered". Stickers may be applied for at the Office of Student Involvement and are issued by the director or his/her designee. Stickers may only be issued for 5 days increments, with provisions for renewal.
- (c) A maximum of three wood signs may be posted for advertising an activity, club or event.
- (d) All signs must be removed by the posting organization within 24 hours after the registered event or immediately after the fifth day if the signs are not renewed. Signs not removed within the specified timeframe will be removed by Physical Plant and a \$50.00 per sign charge levied. The sign will be released after the fine has been paid at the "Cashiers" office, and credited to the appropriate account.

- (e) The placement of printed materials on vehicles, light posts, benches, trees and exterior doors are not permitted.
- (f) Signs must adhere to the following standards:
  1. The maximum size of a sign is 4 feet by 8 feet.
  2. Signs must be free standing and not staked into the ground or hung, fastened or attached to shrubbery, trees, and light posts. Signs are not permitted in any street median.
  3. All signage must be placed in a minimum of 50 feet from any motor vehicle intersection.
  4. Signs can only be placed in locations designated on the UCF Signage Location Map.
  5. Any signs in violation of any of the above stated regulations will be removed by Facilities Operations and a \$50.00 per sign charge levied. The sign will be released after the fine has been paid at the "Cashiers" office, and credited to Account # 2421000, object code #499000.
- (g) These posting rules do not apply to Student Government elections.

## **Student Union**

### **(1) In-line Skating, Skateboarding, and Scooters Procedure**

- (a) Each building of the University will have properly posted signs prohibiting in-line skating, skateboarding, and scooters within or adjacent to building structures. The building manager is responsible for posting the signs with the assistance of the Physical Plant.
- (b) Any staff or faculty member shall discourage anyone from in-line skating, skateboarding, or using scooters within the confines of each building or adjacent to the property, the disruptive individual will be referred to the Division of Student Development and Enrollment Services or Human Resources as applicable. In the case of a person not affiliated with the University, University Police will issue a Trespass Warning according to policy. The University Police will assist the reporting party as necessary.
- (c) This procedure applies to all hallways within University buildings and stairways and entranceways adjacent to the exterior of each building.
- (d) In-line skating, skateboarding, and scooters are prohibited on the roadways and in parking garages/lots.
- (e) The University Police Department is responsible for enforcing this procedure.
- (f) Scooters used by persons with disabilities to aid in their mobility are exempt from this policy.

### **(2) Solicitation on Campus**

#### **(a) General Policy**

1. All business entities and all natural and legal persons (hereinafter referred to as "Vendor(s)") wishing to solicit business or otherwise engage in any form of commerce on the Orlando campus of the University of Central Florida ("UCF") must coordinate such activities through UCF's Director of Student Union or designee. The conduct of all such activities shall be confined to that area of campus situated within the boundaries of Pegasus Circle from Centaurus Drive to Aquarius Agora Drive.
2. Vendors wishing to utilize the free speech area must secure permission from the Director of Office of Student Involvement or designee.

#### **(b) Procedure**

Vendors must comply with the following guidelines to reserve and allocate space for the conduct of solicitation: Market Day Guidelines

1. Contact UCF's Student Union Event Services to request space. Space is limited. Reservations must be made in advance at UCF's Student Union Office, Room 312. All fees for the reservation of space must be paid at the time the reservation is made. (See Student Union Event Services for current fee schedule.) UCF reserves the right to require any Vendor to submit proof of insurance coverage for comprehensive and general liability insurance in amounts deemed acceptable by UCF.
2. Placement of Vendors within the bounds of Pegasus Circle will be at the sole discretion of UCF's Student Union Event Services staff.
3. Vending space will be clearly designated for Vendors upon their arrival at set up time. Displays may not extend beyond the allotted space.
4. UCF's Student Union reserves the right to restrict the participation of any Vendor or Vendors.
5. If a Vendor is not set up by 10:00 a.m., UCF may, but is not obligated to, remove the Vendor's equipment, if any, and will consider such Vendor a NO SHOW. This information will be noted in Vendor's file and could impact future reservations.
6. The market will end promptly at 5:00 p.m. UCF's Student Union patio will be open to load merchandise and equipment from 5:00 p.m. - 6:00 p.m. Vendors must completely vacate UCF's Student Union patio by 6:00 p.m.
7. In case of inclement weather, the market may be canceled at the sole discretion of Student Union staff. If the market is canceled, reservation fees will be refunded to UCF's Vendors who paid the fees. No prorated refunds will be issued if the market is held and inclement weather occurs during the day.
8. Vendors are to purchase a parking pass on the days they will be on campus. Parking is available in Lot T-600 after the vendor unloads the materials and merchandise at UCF's Student Union.
9. UCF is not responsible for any loss, theft, or damage to Vendors' equipment or goods. Vendors are responsible for the security of their property.
10. Vendors must adhere to the requirements established by UCF's Student Union for the safety of the event and any rules as may be mandated by UCF's Department of Environmental Health and Safety.
11. UCF shall not tolerate the placement of tables, displays, tents, or other activities for solicitation purposes outside Pegasus Circle. UCF's

Police will be responsible for monitoring all such activities outside Pegasus Circle. Those violating this policy will be instructed to leave immediately and may be issued a no-trespass warning by UCF Police.

(c) Campus Locations for Solicitation

1. Posted materials should not be fastened to or hung from shrubbery or trees; drawn, taped, painted or otherwise displayed on sidewalks, walls, glass and painted surfaces, or building exteriors. No holes may be dug into the ground (except for wood stakes) nor nails or tacks hammered into trees.
2. Solicitors and tradesmen, including students, faculty and other University personnel, are prohibited from conducting business transactions with individuals or organizations on campus unless a permit has been issued. Permits to conduct such business with students and student organizations may be issued by the Director of the Student Union or for all others by the Director of Business Services.

(d) Exception to Policy

Officially registered, active student organizations of UCF desiring an exception to the above policy must secure, in advance, the written permission of either the Director of the Student Union or other individual listed below to use, free of charge, space on UCF property to conduct a solicitation to benefit only the student organization. No person or entity outside of the student organization shall participate in the solicitation or receive any financial or other benefit or thing of value from the solicitation. Examples of such solicitations include but are not limited to, bake sales and similar fundraising activities, distribution of literature, speakers, giveaway promotions, or signing of petitions. On UCF's Orlando campus, permission must be secured as follows:

1. Student Union and inside the Pegasus Circle and Ferrell Commons Courtyards from the Director of the Student Union or designee.
2. Residence Halls and outside areas immediately adjacent thereto - from the Director of Housing or designee.
3. Greek Park area from the Director of Office of Fraternity and Sorority Life or designee.
4. UCF Arena and areas immediately adjacent thereto - from the Director of the UCF Arena or designee.
5. Inside any other building and outside areas immediately adjacent thereto - from the officially designated building manager of that facility or designee (identification of the building manager for a particular

facility may be obtained from the Office of the Vice President for Administration and Finance.

6. Recreation and Wellness Center and Intramural Sports area – from the Director of Recreation and Wellness Center.

On the regional campuses or their host institutions, permission to use space to conduct solicitations must be secured from the Director of Campus Life on that regional campus and, as may be required, from the appropriate official of that host institution.

Failure of active student organizations to comply with this solicitation policy and procedure may result in student disciplinary action taken against such organizations, including the loss of the privilege to engage in solicitations on UCF property, the loss of the privilege to register as a student organization, as well as other disciplinary action.

- (e) Responsibility the Associate Vice President for SDES or designee shall be responsible for implementing this policy.