

## NOTICE OF PROPOSED REGULATION AMENDMENT

Date: August 5, 2013

**REGULATION TITLE:**

Office of Student Conduct; Scope; Definitions; Student  
Conduct Records; Special Student Panels

**REGULATION NO.:**

UCF-5.007

**SUMMARY OF REGULATION AMENDMENT:** This regulation is amended to update the scope of the Rules of Conduct, including their applicability to campus events and to off-campus conduct. Additionally, some definitions have been modified.

**AUTHORITY:** BOG Regulations 1.001 and 6.0105

**NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:**

Nicholas Oleksy, Associate Director, Office of Student Conduct

**COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation you are commenting on.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:**

Regulations Administrator  
4000 Central Florida Blvd.  
Millican Hall, Suite 360  
Orlando, FL 32816-0015  
Phone: (407) 823-2482  
Fax: (407) 823-6155  
e-mail: [regulations@mail.ucf.edu](mailto:regulations@mail.ucf.edu)

**FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:**

**UCF-5.007 Office of Student Conduct; Scope, Definitions; Student Conduct Records; ~~Special Student Panels~~**

(1) Scope

- (a) The ~~UCF~~ 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

~~and~~ 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~~ Rules of Conduct apply to all student conduct that occurs on University premises, ~~which includes all land, buildings, facilities, and other properties in the possession of or owned, used, or controlled by the University as defined below; or at activities officially approved by the University of Central Florida or which are sponsored or conducted by University groups and organizations, regardless of location.~~
- (c) Off-Campus Conduct. The University may take action against a student for off-campus conduct if the conduct is specifically prohibited by law or the Rules of Conduct; or if the conduct poses (or demonstrates that the student's continued presence on University premises poses) a danger to the health, safety or welfare of the University community; or if the conduct is disruptive to the orderly processes and functions of the University. ~~These rules also apply for all off campus conduct when alleged violation(s) of the UCF Rules of Conduct are committed, regardless of location. The University reserves the right to pursue any violation of conduct, when that conduct adversely affects the interest(s) of any part of the University community.~~
- (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) Members of the University community, A student~~ who commits offenses against the laws of municipalities, states, or the United States, ~~are~~is subject to prosecution by those authorities and may be subject to disciplinary action under University rules when ~~their~~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 process is not a criminal or judicial proceeding and is designed to address student behavior; therefore, alleged violations of the Rules of Conduct will be addressed independently of any penalty imposed by the courts for the criminal offense.

(4) Definitions

- (a) The term “Advisor” refers to the person of the charged students or organizations choice who may assist and/or accompany the charged student throughout the Student Conduct Review Process but shall not speak for or present the case on behalf of the charged student or organization.
- (b) The term “Charged student” means any student that is charged with a violation of the Rules of Conduct.
- (c) 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).
- (d) The term “Director of the OSRR” refers to the Director of the Office of Student Rights and Responsibilities.
- (e) The term “Disciplinary Sanction Review Committee” is a committee composed of an equal number of faculty/staff and students appointed by the Director of the OSRR to review the disciplinary probation/suspension status of a student.
- (f) The term “Hold” refers to a service indicator placed on a student’s record.

- (g) The term “~~Member of the~~ University community” refers, collectively and individually, to any person who is a student, faculty member, staff member, University official, Trustees, and all visitors, contractors, and guests to the University or any of its campuses, facilities or events or any other person employed by the University.
- (h) The term “Off campus” refers to any location not defined as University premises.
- (i) The term “Overlay” refers to a notification on a student’s university transcript that states the student is not in good standing.
- (j) 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.
- (k) The term “Record Sealing” refers to when a student’s disciplinary record cannot be examined except by a court order or designated officials.
- (l) The term “Sanction” refers to outcome(s) imposed on students found in violation of any Rules of Conduct of this University.
- (m) The term “Student” means any person enrolled in one or more classes at the University, either full time or part time, including study abroad, pursuing undergraduate, graduate or professional studies.
- (n) The term “Student Conduct Board” means any person or persons authorized by the Director of the OSRR or designee to determine whether gather information and make proposed findings regarding whether a student has violated the Rules of Conduct and to recommend-propose sanctions that may be imposed ~~when a rules violation has been committed~~. Board members are selected through an annual application and interview process with the exception of the justices from the Student Government Association Judicial Council. All Student Conduct Board members, including justices, receive training from the Office of Student Conduct.
- (o) The term “University” means the University of Central Florida.
- (p) 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.

- (q) The term “University premises” includes all land, buildings, facilities, and other properties in the possession of or owned, used, or controlled by the University.
- (r) The term “VP of SDES” refers to the Vice President of Student Development and Enrollment Services.

(5) Student Conduct Records

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

(6) Evaluation of Student Conduct Review Process. The Student Conduct Review Process will be evaluated periodically by a committee, which shall be composed of students and staff members of the university.

*Authority: BOG Regulations 1.001 and 6.0105. History - Formerly 6C7-5.0041, New 6-18-09.  
Amended \_\_\_\_\_-13.*