

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: August 2, 2013

REGULATION TITLE:

Scope; Authority; Principles of Group Responsibility;
Violations of Law and Rule of Conduct Violations;
Definitions; Student Organizational Conduct Records

REGULATION NO.:

UCF-5.011

SUMMARY OF PROPOSED REGULATION AMENDMENT: This regulation is amended to update the scope of the organizational conduct regulations and to update the section on Violations of Law and Rule of Conduct Violations. Additionally, several definitions have been edited for clarification.

AUTHORITY: BOG Regulations 1.001 and 6.015

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
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FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-5.011 Scope; Authority; Principles of Group Responsibility; Violations of Law and Rule of Conduct Violations; Definitions; Student Organizational Conduct Records

(1) Scope

- (a) The organizational conduct regulations (UCF-5.011, 5.012, and 5.013) shall apply to all 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 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 student organizations. The Organizational Rules of Conduct, set out below, apply to 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 student organizations for conduct that occurs:

1. on ~~or off~~ 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 reserves the right to pursue any violation of the Organizational Rules of Conduct when the alleged conduct adversely affects the interest(s) of any part of the University community.~~ The University may take action against a 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 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

- (a) The term “Advisor” refers to the one person of the charged student organization’s choice who may assist and/or accompany the charged student organization throughout the Student Organization Conduct Review Process. An Advisor shall not speak for or present the case on behalf of the charged student organization.
- (b) The term “Charged student organization” means any student organization that is charged with a violation of the Organizational Rules of Conduct.
- (c) The term “Director of the OSRR” refers to the Director of the Office of Student Rights and Responsibilities.
- (d) The term “~~Member of the~~ University community” refers, collectively and individually, to ~~any person who is a student,~~ faculty member, staff member, University officials, Trustees, and all visitors, contractors and guests to the

~~University or any of its campuses, facilities or events or other employee or agent of the University.~~

- (e) The term “Off campus” refers to any location not defined as University premises.
- (f) 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 resolving all disciplinary cases within the Student Conduct Review Process.
- (g) The term “Sanction” refers to outcome(s) imposed on student organizations found in violation of the Organizational Rules of Conduct.
- (h) The term “Student” means any person continuously enrolled in one or more classes at the University, either full time or part time, including study abroad, pursuing undergraduate, graduate or professional studies.
- (i) The term “Student Conduct Board” means any person or persons authorized by the Director of the OSRR or designee to ~~determine~~ gather information and make proposed findings regarding whether a student organization has violated the Organizational Rules of Conduct and, ~~if so,~~ to ~~recommend~~ propose sanctions that may be imposed. Board members are selected through an annual application and interview process with the exception of the justices from the Student Government Association Judicial Council. All Student Conduct Board members, including justices, receive extensive training from the Office of Student Conduct.
- (k) The term “University” means the University of Central Florida.
- (l) The term “University official” is any person employed by the University (i.e. faculty, staff, administration, and residence hall staff) acting within the scope of their job duties.

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

(4) Principles of Group Responsibility. Any student organization can be held responsible for its actions or the actions of one or more of its members (active or inactive). There is no minimum number of group members who must be involved in an incident before disciplinary action may be taken against the organization. In some instances, the conduct of a single member may provide sufficient grounds for action against the entire organization. Misconduct on the part of the organization may be addressed when:

- (a) Members of the organization act together to violate University standards of conduct;
- (b) One or more members, alumni, or guests allegedly violate an Organizational Rule of Conduct at an organization-sponsored, financed, or otherwise supported activity;
- (c) One or more members of an organization or its officers has knowledge of the incident, behavior, etc. and fails to take corrective or prohibitive action before such incident, behavior, etc. occurs or fails to stop such incident, behavior, etc. while it is occurring;
- (d) A violation occurs on premises and/or transportation owned, operated, or rented exclusively by the student organization;
- (e) A pattern of individual violations has occurred and/or continues to occur without adequate control, response, or sanction on the part of the student organization or its leaders;

- (f) The student organization or related activities provided the context for the violation;
- (g) The student organization chooses to protect one or more individual offenders who are members, alumni, former members, or guests of the student organization from official actions.

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

(6) Violations of Law and Rule of Conduct Violations. ~~Members of the University~~ communityStudents 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 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 student organizations conduct case record will be maintained in the Office of Student Conduct. The case record of a student organization found responsible for charge(s) against them, with sanctions less than 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 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 student organization disciplinary records will be governed by applicable federal and state laws regarding the privacy of educational records.

Authority: BOG Regulations 1.001 and 6.0105. History – New 10-16-09. Amended 7-19-12,

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