

## NOTICE OF PROPOSED REGULATION AMENDMENT

Date: August 2, 2013

**REGULATION TITLE:**  
Organizational Rules of Conduct

**REGULATION NO.:**  
UCF-5.012

**SUMMARY OF PROPOSED REGULATION AMENDMENT:** This regulation is amended to update the definition of harassment and sexual harassment. Additional minor edits have also been incorporated throughout.

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

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

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 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. 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 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 the Student Conduct Review Process, including knowingly initiating a false complaint

(3) Disruptive Conduct

- (a) An act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof or the rights of other members of the University community.
- (b) 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. 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) Failure to comply with the student organization's constitution.
- (h) Participating in any event with a student organization that is currently on disciplinary probation (with restrictive conditions), has been suspended, or has had their UCF registration revoked.

(4) Harmful Behavior

- (a) Physical violence towards another person or group.
- (b) Harassment: Defined as ~~behavior-conduct~~ (including written or electronic communication) 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 (verbal or physical behavior) that would constitute harassment under federal or state civil rights laws or under University Regulation UCF-3.001. ~~that could cause severe emotional distress, intimidation, or coercion to another person or could place another person in the victim's position in fear of bodily injury or death.~~
- (c) Bullying: Defined as behavior (including written, visual, electronic or oral means) that is intentional and repeated, or meant to be done in humor or in jest, that results in the intimidation, injury, or distress of another individual

physically, mentally, or socially. Bullying, however, is not speech or conduct otherwise protected by the 1<sup>st</sup> Amendment of the United States Constitution and any other applicable law.

- (d) Verbal 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 the victim's position in fear of bodily injury or death. This definition, however, shall not be interpreted to abridge the rights of the University community to freedom of expression protected by the First Amendment of the United States Constitution and any other applicable law.
- (e) Failure to respect the privacy of other individuals.
- (f) Retaliation against or harassment of complainant(s) or other person(s) alleging misconduct.
- (g) Condoning or encouraging acts of harmful behavior as defined above or failing to stop an act of harmful behavior while it is occurring.

#### (5) Sexual Misconduct

- (a) Any nonconsensual sexual conduct or attempted nonconsensual sexual conduct which occurs on or off the UCF campus.
  1. Consent, to be valid, must be: freely and actively given; and in mutually understandable words or actions.
  2. Consent to one form of sexual activity can never imply consent to other forms of sexual activity.
  3. Consent is not the lack of resistance; there is no duty to fight off a sexual aggressor.
  4. Consent can be withdrawn at anytime, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions.
  5. A person shall not knowingly take advantage of another person who is under 18 years of age, mentally defective, under the influence of prescribed medication, alcohol or other chemical drugs, or who is not conscious or awake, and thus is not able to give consent as defined

above. Further, a person shall not physically or verbally coerce another person to engage in any form of sexual conduct, to the end that consent as defined above is not given.

- (b) Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the lewd display of sexual behavior.
- (c) Sexual Harassment: defined as Conduct (verbal or physical) of a sexual nature that, due to the severity and pervasiveness of the conduct and the targeted nature of the conduct on the basis of sex, creates an objectively intimidating, hostile, or offensive campus, educational, or working environment for another person. This definition also applies to—includes—unwanted, unwelcome, inappropriate, or irrelevant sexual or gender-based activities, ~~comments or gestures~~sexual advances, or requests for sexual favors, when (i) submission to such conduct is made either explicitly or implicitly a term or condition of a student's academic or extracurricular participation, or employment; or (ii) submission to or rejection of such conduct or request is used as the basis for employment decisions or to determine participation in academic or extracurricular activities. Sexual harassment under this provision is conduct (verbal or physical behavior) that would constitute sexual harassment under federal or state civil rights laws or under University Regulation UCF-3.001.;
- (d) Condoning or encouraging acts of sexual misconduct as defined above or failing to stop an act of sexual misconduct while it is occurring.

(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 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 Student Organizations. Student organizations may be eligible for exemptions from disciplinary action when a representative of an organization at a student organizational event calls for emergency assistance on behalf of a person experiencing an alcohol related emergency. Student organizations that seek medical assistance for alcohol emergencies may receive exemption for violations of the Organizational Rules of Conduct Section 6 subsections a through f; however, exemption for other Organizational Rule of Conduct violations may not be granted. Student organizations may be eligible for this exemption on a case by case basis at the discretion of the Director of the Office of Student Rights and Responsibilities. Additional information regarding alcohol emergencies can be found at the Office of Student Rights and Responsibilities website: <http://osrr.sdes.ucf.edu>.

(7) Drug Related Misconduct

- (a) Use and/or possession of any narcotic or other controlled substances, and possession and/or use of drug paraphernalia, except as expressly permitted by law.
- (b) Sale and/or distribution of any narcotic or other controlled substances, except as expressly permitted by law.
- (c) Cultivation and/or manufacture of any narcotic or other controlled substances, except as expressly permitted by law.
- (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 student organization.
- (b) Unlawful sale, barter, or disposition of a ticket, order, or any interest in a scheme of chance by whatever name on University premises or at any activity sponsored by a 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- The University does not condone hazing in any form and defines hazing to include but not limited to:

- (a) Any action or situation which recklessly or intentionally endangers the mental or physical health and/or safety of a student for the purpose of initiation or admission into, or association with, any organization. Hazing may result in felony charges.
- (b) Brutality of a physical nature such as whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food, 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) Any activity that could subject the individual to mental or physical stress such as sleep deprivation, forced exclusion from social contact, forced contact which could result in embarrassment, or any other activity that could adversely affect the mental or physical health or dignity of the individual.
- (d) Forcing or requiring the violation of University policies, federal, state, or local law.
- (e) Any activity, as described above, upon which the initiation or admission into or association with a student organization may be directly or indirectly conditioned, shall be presumed to be a "forced" activity, the willingness of an individual to participate in such an activity notwithstanding.

(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 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 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 or obscene language or patently offensive material.

(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 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 notes, handouts, etc. without authorization or using them for any commercial purpose without the express written permission of the University and the Instructor.
  - (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.

*Authority: BOG Regulations 1.001 and 6.0105. History – New 10-16-09, Amended 7-19-12, \_\_\_\_\_-13.*