

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: August 19, 2005

REGULATION TITLE:
Student Rights and Responsibilities

REGULATION NO.:
6C7-5.003

SUMMARY OF REGULATION AMENDMENT: This regulation provides guidelines for the Use of Information Technology and Resources and clarifies the Campus Housing Internet Project (CHIP), including a prohibition on file sharing software when used as a server; changes the name of the Office of Student Activities to Office of Student Involvement; modifies the description of disruptive conduct; modifies the definitions of other described actions which constitute conduct for which disciplinary action may be taken; and changes “sexual misconduct” to “sexual abuse.”

AUTHORITY: BOG Resolution dated January 7, 2003

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:
Patricia MacKown, Assistant Vice President, CAMPUS LIFE

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 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:

6C7-5.003 Student Rights and Responsibilities.

Student Rights.

(1) 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 rules:

- (a) Participation in Student Government Association and its elective process.
- (b) Membership in Student Organizations.

(c) Freedom of Expression – the basic freedom of students to hear, write, distribute, and act upon a variety of thoughts and beliefs is 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 subject to critical evaluation. Restraints on free inquiry are held to a minimum and are consistent with preserving an organized society in which peaceful, democratic means for change are available. Guest lecturers or off campus speakers sponsored by student groups may appear on the UCF campus following arrangements with the designated University authority for such appearances.

(e) Freedom to hear, write, distribute and act upon a variety of thoughts and beliefs. This freedom is subject to the following regulations:

1. Written materials identified by authorship and sponsorship may be sold or distributed on campus within the guidelines of propriety and responsible journalism as established and supervised by the University Board of Publications which is appointed by the President or his designee. The distribution of such material, as is arranged by the Director of the Office of Student Involvement Activities, is permissible for student organizations provided steps have been taken to preserve the orderliness of the campus.

2. Non-university or off-campus printed materials shall not be distributed or circulated by students or student organizations without first being stamped by the Director of the Office of Student Involvement Activities.

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 vice president, dean or director.

(f) Student rights to peaceful assembly is recognized. Existing laws and University rules shall be observed. Student gatherings must neither disrupt or interfere with the orderly educational operation of the institution; nor violate state or local laws, or University rules.

(g) Fair and impartial hearing. These matters shall include, but not be limited to:

1. Disciplinary proceedings involving alleged violation of academic and non-academic rules and regulations (see also Rule 6C7-5.0041, F.A.C.).

2. Refunds and charges. The status of a student charged with a violation of University regulations shall not be affected pending final disposition of the charges except in the case of administrative action.

(h) Confidentiality of student records. Each University office and agency which generates, collects, and disseminates information on students must follow Florida and Federal laws regarding confidentiality of those records in their possession.

(i) Provisions for Victims/Survivors of Acts of Violence. To ensure fairness to victims/survivors of acts of violence throughout the disciplinary process, the University has established the following policy on victims/survivors:

1. A victim or a survivor may have a person of her or his choice accompany her or him throughout the Student Conduct Review process. This person will act as a support person or advisor but will not represent the victim or survivor.

2. A victim or survivor may submit a list of questions related to the alleged incident, prior to the hearing, that she or he feels that charged student should be asked during the hearing process.

3. A victim or survivor may not have her or his irrelevant past conduct, including sexual history, discussed during the hearing. The issue of relevancy shall be determined by the Student Hearing Panel or the hearing officer.

4. A victim or a survivor may make a “victim or survivor impact statement: and suggest an appropriate sanction (to include appropriate compensations) if the charged student is found to have been in violation of the Rules of Conduct.

5. A victim or survivor may know the outcome of the student conduct review process, after making a commitment to protect the confidentiality for all persons involved as outlined in the Family Educational Rights and Privacy Act Regulation, 99.31.13. See subsection 6C7-5.0041(11), F.A.C., for specific student rights during disciplinary process. However, where the student conduct review process is invoked for a sex offense, both the victim/survivor and the accused must be informed of the final outcome of the student conduct review process without a commitment to protect the confidentiality of the information, pursuant to the Clery Act Regulations, 668.46(b)(11). The “final outcome” means only the final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.

(2) UCF Rules of Conduct.

(a) These conduct rules shall apply to all undergraduate students, graduate students, and student organizations of the University and its area campuses and shall be deemed a part of the terms and conditions of admission and enrollment of all students. Failure to comply with duly established laws or University regulations

may subject violator(s) to appropriate civil authorities. Violations of University regulations shall be recorded in the disciplinary file of the individual(s) and/or the organization.

(b) Generally, authority necessary to enforce 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 councils.

(c) Students and student organizations are also subject to University disciplinary sanctions for the violation of a University rule or federal, state, county, or city law, which has an adverse impact on the University.

(d) The following defined and described actions constitute conduct for which disciplinary action may be taken. These rules apply to all students for conduct that occurs against other students or non-students on University premises, while participating in University sponsored or related activities, during school sessions, during holidays, and during periods of continuous enrollment, or off-campus when that conduct is determined to adversely affect the interest(s) of any part of the University. A student is continuously enrolled, once admitted, unless the student fails to register in two consecutive terms, excluding summer terms, and must re-apply for University admission.

1. Misuse of Computing and Telecommunications Resources. ~~The University supports open access to electronic communication and information. Nevertheless,~~ The preservation of an open computing and communications environment requires adherence by users to applicable law and University's rules regarding the responsible use of computing systems, software and telecommunication networks. Suspected criminal violations of applicable laws shall be reported to the University Police Department, appropriate law enforcement agencies or any other applicable authorities or agencies.

The following guidelines are an interpretation of the University policy titled Use of Information Technology and Resources and clarifies the Campus Housing Internet Project (CHIP). The examples provided in the guidelines are not all inclusive and the guidelines are not limited to those examples that are listed. The rapidly changing environment of network computing will likely generate new applications that, though not listed in this document, are still applicable to the listed policies.

a. The information that is transmitted across University computing resources is subject to protection by the First Amendment of the United States Constitution.

i. Certain types of information, such as obscene material, are not entitled to First Amendment protection.

b. Users shall not use University computing resources to impersonate another individual.

- i. All e-mail messages must correctly identify the sender.
- ii. Users shall not modify the original attribution of e-mail messages.
- iii. Users shall not use the University's computing resources or telecommunication networks to send e-mail "spam".
- iv. For the purposed of this document e-mail shall include postings to newsgroups and listservs, point-to-point messages such as those generated by Internet pagers including ICQ, AOL Instant Messenger, Yahoo Pager, etc., or any electronic messages involving computers and/or computer networks.
- c. University computing resources shall not be used to assist in the unauthorized duplication or distribution of copyrighted material such as audio, video, pictures or text.
 - i. Unauthorized distribution of audio files containing copyrighted content, such as mpeg audio (mp3), is prohibited.
 - ii. Unauthorized distribution of video files containing copyrighted content, such as an mpeg video and other formats, is prohibited.
- d. Users shall not host network servers on computers connected to University computing resources. Those users who wish to setup a server must first register the computer as a server with the UCF Computer Store and the Network Operations Center (NOC).
 - i. A server is defined as a computer that supports access to electronic services or information for network users.
 - ii. The following servers are not allowed unless registered with NOC. The list includes, but is not limited to: HTTP or Web servers, FTP servers, Telnet servers, DCC or Chat servers, NNTP or News servers, SMB or Windows File Share servers (Network Neighborhood), Apple share servers or NFS servers.
 - iii. Those who wish to register a server must provide full administrative access to the NOC including root or Administrator passwords for the server.
 - iv. Also prohibited is the use of recreational file-sharing software when used as a server. This rule also applies to similar applications such as Macster, Gnapster, Audio Galaxy File Agent, and other peer-to-peer file-sharing software.
- e. Users shall not attempt to undermine the security or the integrity of the computing systems or telecommunication networks and shall not attempt to gain unauthorized access to these resources.

i. Users shall not intentionally damage, disable, or disrupt computing or telecommunications equipment or software.

ii. Any attacks on University computing resources or networks, such as Denial of Service attacks, flood attacks, etc., will be punishable by academic/disciplinary action and/or criminal charges against the offender.

f. Use of the University's Computing Resources and telecommunication networks for the purpose of personal financial gain is prohibited. The University's computer resources and telecommunication networks shall not be used for commercial purposes.

g. University Computing Resources are not to be used in support of local, state, or federal political campaigns or campaign fundraising.

2. Disruptive Conduct.

a. An act which intentionally impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof.

~~b. Violence which deliberately impedes or interferes with the normal flow of pedestrian and vehicular traffic.~~

b. e. Any An act which deliberately impedes or interferes with the normal flow of pedestrian and vehicular traffic.

~~c. d.~~ An act which tampers with the election(s) of any University student organization or group.

~~e. Willful destruction of University property or property of members or guests of the University.~~

~~d. f.~~ Misuse of any University safety equipment, fire fighting equipment, or fire alarms.

~~e. g.~~ An act which deliberately interferes with the academic freedom or the freedom of speech of any member or guest of the University community.

~~f. h.~~ A false report of an explosive or incendiary device, which constitutes a threat or bomb scare.

~~g. i.~~ Conduct which is lewd or indecent.

~~h. j.~~ 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.

~~i. k.~~ Failure to comply with oral or written instruction from duly authorized University officials acting within 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.

3. 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, including possession, use or attempted use of a fraudulent identification card or driver's license.

b. Forgery, alteration or misuse of any University document, material, file, record or instrument of identification.

c. Deliberately and purposefully providing false or misleading verbal or written information about another person ~~that results in damage to the person's reputation.~~

4. Possession and/or Use of a Firearm and/or Dangerous Material.

a. Possession or use of firearms or any weapon ~~other than a common pocket knife~~ on University premises or at University sponsored/related activities.

b. Possession or use of, fireworks of any description, explosives, or chemicals which are disruptive, explosive or corrosive, on University premises or at University sponsored/related activities.

5. 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 ticket, order or any interest in a scheme of chance by whatever name on University premises or at any affair sponsored by a student or student organization.

c. Wager on a University team or organization in a competition, with a direct influence in the success of the competition.

6. Instigation or Participation in Group Disturbances During Demonstrations, Parades, or Picketings.

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.

7. Hazing.

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 affiliation with, any organization operating under registration with the University.

b. Brutality of a physical nature such as whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food, liquor, drug, or other substances; or other forced elements; or other forced activity which could adversely affect the physical health or safety of the individual.

c. Any activity which could subject the individual to mental stress such as sleep deprivation, forced exclusion from social contact, forced contact which could result in embarrassment, or any other activity which could adversely affect the mental health or dignity of the individual.

d. Any activity, as described above, upon which the initiation or admission into or affiliation with a University of Central Florida 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.

8. Unauthorized use of Keys and/or Entry.

a. Unauthorized possession, duplication or use of keys to any University premises.

b. Unauthorized entry or attempted entry ~~to any University premises.~~

9. Larceny/Property Damage. ~~Unauthorized use, possession, or services or theft of property. Such property may be personal or public.~~

a. Unauthorized use, possession, or services or theft of property. Such property may be personal or public.

b. Damage or defacing of University property or the property of another person whether or not it is on University premises.

10. Personal Abuse.

a. Verbal or written abuse of any person, including lewd, indecent, or obscene expression of conduct.

b. Physical abuse or threat of physical abuse to any person.

c. Harassment: defined as behavior (including written or electronic communication such as AOL, IM, ICQ, etc.) directed at a member of the University community which is intended to and would cause severe emotional distress, intimidation, or coercion to a reasonable person in the victim’s position, or 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 right of any member of the University community to freedom of expression protected by the First Amendment of the United States Constitution and any other applicable law.

d. Failure to respect the privacy of other individuals.

e. Retaliation against or harassment of complaint(s) or other person(s) alleging misconduct.

f. This personal abuse policy does not apply in those instances where it is found that a student is acting in self defense.

11. Property Damage. Damage or defacing of University property or the property of another person whether or not it is on University premises.

12. Commission of a felony or a misdemeanor. Commission of an act, which is a felony or misdemeanor as provided in local, state, or federal law.

13. Misconduct at University Sponsored/Related Activities. ~~Violation of University rules, or regulations of a host institution sponsored/related activity.~~

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.

14. Unlawful possession, use, or sale of any controlled substance. Use, possession, sale, distribution or attempt to obtain any narcotic or other controlled substances, and possession and/or use of drug paraphernalia, except as expressly permitted by law is prohibited.

15. Academic Dishonesty/Cheating.

a. Cheating is a violation of student academic behavior standards. The common forms of cheating include:

I. Unauthorized assistance; communication to another through electronic, written, visual, or oral means. The presentation of material which has not been studied or learned, but rather was obtained solely through someone else's efforts and used as part of an examination, course assignment or project. The unauthorized possession or use of examination or course related material may also constitute cheating.

II. 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 is a violation of this rule.

III. H. 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. Any student failing to properly credit ideas or materials taken from another is plagiarizing.

b. Any student who knowingly helps another violate academic behavior standards is also in violation of the standards. See Rule 6C7-5.0042, F.A.C.

16. Sexual Abuse ~~Misconduct~~.

a. Sexual Assault: acquaintance rape (date, friend, someone the victim knows casually or through mutual friends) or any other form of rape. Rape is defined as nonconsensual sexual penetration, coercion, or penetration against the victim's will. Any sexual conduct which occurs ~~between members of the University community on or off the UCF campus shall be consensual, meaning that willing and verbal agreement shall be clearly given in advance by all persons involved at each new level of such conduct. 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.~~

Consent, to be valid, must be:

- i. freely and actively given
- ii. in mutually understandable words or actions
- iii. consent to one form of sexual activity can never imply consent to other forms of sexual activity
- iv. consent is not the lack of resistance; there is no duty to fight off a sexual aggressor
- v. consent can be withdrawn at anytime, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions. 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.
- vi. Any attempted acts of sexual abuse are also violations of this policy.

b. Sexual Harassment: unwelcome sexual advances, requests for sexual favors, or ~~verbal or physical~~ conduct of a sexual nature which prevents or impairs another person's full enjoyment of the educational benefits, atmosphere, or opportunities provided as part of the University.

c. Public Indecency: 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.

d. Voyeurism: sexual stimulation sought through trespass, spy, or eavesdrop activities.

e. Solicitation; attempting to commit by solicitation sexual acts with a minor by oral, written, or electronic means.

NOTE: UCF will use discretion in accommodating the victim as well as protecting the rights of the accused violator(s). ~~As a result of these special circumstances, a case of student sexual misconduct may be resolved before a hearing officer.~~ UCF will not attempt to shelter students from federal, state, and/or local laws pertaining to sexual abuse misconduct.

17. Alcoholic Beverages Violation. Use, possession, sale and/or distribution of alcoholic beverages except as expressly permitted by the law and University rules, and behavior under influence of alcoholic beverages, including operating a vehicle, ~~is prohibited.~~

18. University Designated Student Residence Violations. Repeated or flagrant violations of regulations governing University student residences.

19. University Wordmark Violations. Unauthorized use of the official University wordmark, Pegasus, monogram, seal, or other graphic identity symbol.

20. Outstanding Debt. Failure to insure that all organization bills are paid.

21. Use of Facilities. Failing to properly register student events.

22. Advertising.

a. Origination or circulation of any advertising media that contains matter that violates federal, state and/or local law is prohibited.

b. Origination or circulation of any advertising media containing false or misleading information or obscene language or patently offensive material is prohibited.

c. See 15 I 15 for more information.

23. Social Events. Allowing crowd size that exceeds such limits so as to infringe upon the rights and/or property of others and/or endanger those in attendance is prohibited. Failing to provide adequate parking so that vehicles are impeding the normal flow of traffic, parked illegally or parked on private property without proper authorization is prohibited.

24. Solicitation and Fundraising. Conducting in any solicitation and fundraising activities in a manner that violates or is contrary to the policies of UCF or its Office of Student Involvement Activities, the Student Union, and/or federal, state and/or local law. See 15 I 6 for more information.

Specific Authority: ~~1001.74(4) FS. Law Implemented 1001.74(10)(c) FS.~~ BOG Resolution dated January 7, 2003. History—New 10-8-75, Amended 11-8-79, 6C7-5.03(2)(c)1., Amended and Transferred to 6C7-5.042, Amended 8-15-84, 9-8-85, Formerly 6C7-5.03, Amended 4-23-03, _____.