

NOTICE OF PROPOSED REGULATION

Date: December 14, 2018

REGULATION TITLE:
Regulation Interpretation and Application

REGULATION NO.:
UCF-1.000

SUMMARY OF PROPOSED REGULATION: This regulation is proposed for adoption in order to establish general guidance on the interpretation and application of all university regulations, especially in the context of university activities and operations either outside of the State of Florida or in foreign jurisdictions. The purpose of such guidance is to inform those affected by university regulations that certain aspects of a given regulation - or, depending on the circumstances, the entire regulation - may be inapplicable when in conflict with the laws or rules of different jurisdictions.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSONS WHO INITIATED PROPOSED REGULATION:
Regulations Administrator

COMMENTS CONCERNING THE PROPOSED REGULATION 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
4365 Andromeda Loop N.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
e-mail: regulations@ucf.edu

FULL TEXT OF THE PROPOSED REGULATION:

UCF-1.001 Regulation Interpretation and Application

- (1) This regulation is applicable to all other University Regulations. This regulation should be considered in the interpretation and application of any University Regulation to University operations or activities outside of the State of Florida.
- (2) Definitions.

- (a) University refers to and means the University of Central Florida.
 - (b) A University Regulation is a statement of broad and general applicability, adopted by the University of Central Florida Board of Trustees, to guide the conduct or action of constituents or the public in relation to the University of Central Florida and implementing a power or duty of the University of Central Florida Board of Trustees. Regulations must be consistent with Florida law and with the strategic plan of the Florida Board of Governors. Generally, University Regulations are developed because they deal with directives required by Florida Statute, BOG Regulation or other legally recognized entity with the authority to require the University to adopt specific subject matter rules.
 - (c) Regulations do not include: internal management memoranda, preparation of the university's budget, legal opinions, negotiated contractual provisions, or curriculum or other academic requirements.
 - (d) A select regulation is a University Regulation that pertains to student tuition and fees, admissions, or articulation. Select regulations must be adopted by the UCF Board of Trustees and must also be approved by the Florida Board of Governors.
 - (e) University Regulations are the administrative equivalent of a rule published in the Florida Administrative Code. In the event of a conflict between a University regulation and a University policy or procedure, the University regulation controls.
- (3) The University of Central Florida is based in Florida, operates primarily in Florida, and its primary place of business is the State of Florida. The administration of the University of Central Florida is based in Orange County, Florida, and that is the University's home venue.
- (4) University Regulations are designed to implement Florida law and federal law in the context of the University's operations within the State of Florida. However, there are occasions when the University operates outside the State of Florida and even outside of the United States. In those instances, the University Regulations may not apply or may be limited in their application.
- (5) Operations in other States and Territories. Where the University operates outside of the state of Florida, University Regulations will be limited in their application or inapplicable altogether, as necessary to conform to applicable local law and regulation.
- (6) Operations in Foreign Jurisdictions. Where the University acts in a foreign jurisdiction, on a temporary basis or otherwise, the University's regulations will not apply to those functions if

applicable local law or regulation conflicts with or supersedes University regulations. For clarity, laws of a foreign jurisdiction control in that jurisdiction and may completely or partially displace Florida law and university regulation or policy.

(7) Other statements of university policy and procedure may be found in numbered University Policies or in other university policies, guidelines, and operating procedures. Like regulations, these statements of university policy and procedure are designed to articulate University practice in the context of the University's Florida operations and, as applicable, implement Florida and federal law as they relate to the University's Florida-based operations. Therefore, where the University operates outside of the State of Florida, these statements of university policy and procedure may also be limited in their application or inapplicable altogether as necessary to conform to applicable laws and regulations outside of the State of Florida.

(8) Effect of Collective Bargaining Agreements. The University is party to collective bargaining agreements with units defined by the Florida Public Employees Relations Commission. Each of those agreements contains terms governing the employment of the employees covered by the agreement. An applicable collective bargaining agreement provision will supersede a conflicting University Regulation provision, making the University Regulation provision either inapplicable in that context or limited to the extent necessary to apply the conflicting collective bargaining provision. However, a collective bargaining agreement cannot supersede applicable laws or controlling regulations. Where an in-unit employee may be temporarily working in a location with different law(s), the University will comply with applicable law and controlling regulation, even if in conflict with one or more provisions of a collective bargaining agreement.

Authority: BOG Regulation 1.001; BOG Regulation Development Procedure for State University Boards of Trustees. History – New _____-19.