

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: August 3, 2016

REGULATION TITLE:
Student Rights and Responsibilities

REGULATION NO.:
UCF-5.006

SUMMARY OF PROPOSED REGULATION AMENDMENT: This regulation is amended to update the section articulating the university's Title IX policy, procedures, and resources so that it more closely follows the student conduct review process and articulates the rights of individuals involved in a conduct proceeding involving Title IX. Additionally, the alcohol emergencies section has been expanded to include emergencies caused by drug use.

AUTHORITY: BOG Regulations 1.001 and 6.0105

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:
Michael Gilmer, Director 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
4365 Andromeda Loop North
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
e-mail: regulations@ucf.edu

FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-5.006 Student Rights and Responsibilities

(1) Student Rights. 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 Regulations.

- (a) Participation in Student Government Association and its elective process.
- (b) Membership in Student Organizations.
- (c) Freedom of expression. The basic freedoms of students to hear, write, distribute, and act upon a variety of thoughts and beliefs are 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 are 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 designee. The distribution of such material, as is arranged by the Director of Office of Student Involvement, 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 office of the Director of the Office of Student Involvement.
 - 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.
- (f) Peaceful assembly. Student gatherings must neither disrupt or interfere with the orderly educational operation of the institution, nor violate state or local laws, or University regulations.
- (g) Fair and impartial hearing. These matters shall include, but not be limited to:
 - 1. Disciplinary proceedings involving alleged violation of academic and nonacademic regulations.

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. For specific procedures and rights of students during the student conduct process, see later section entitled “Student Conduct Review Process.”

(h) Confidentiality of student records. Each University office and agency which generates, collects, and disseminates information on students must follow the guidelines for confidentiality of those records in their possession. For further information see “Student Record Guidelines.”

(2) Student Responsibilities. A student at the University is deemed to have given his or her consent to the policies of the University and the Florida Board of Governors and to the laws of the State of Florida. Each student is responsible for reviewing the rules and regulations of the University and for abiding by them.

(3) Smoking. While on UCF property, students will uphold the smoke-free campus policy (<http://smokefree.sdes.ucf.edu/>) to ensure a healthy and clean environment for everyone. Smoking of any kind is prohibited in all facilities and areas of the UCF campus.

(4) Medical Emergencies. The University of Central Florida highly encourages students and student organizations to call for medical assistance whenever an individual experiences severe intoxication or serious injury after consuming alcohol and/or drugs. Students and 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 and/or drug-related medical emergencies arise. The University’s primary goal is to create a safe environment for its students. Procedures and expectations regarding these incidents have been outlined in the Office of Student Conduct Rules of Conduct Controlled Substance and Drug Violations and Alcoholic Beverages section and the Organizational Rules of Conduct section.

~~**(4) Alcohol Emergencies.** The University of Central Florida highly encourages students and student organizations to call for medical assistance whenever an individual experiences severe intoxication or serious injury after consuming alcohol. Students and 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 students. Procedures and expectations regarding these incidents have been outlined in the Office of Student Conduct Rules of Conduct Alcoholic Beverages section and the Organizational Rules of Conduct section.~~

(5) Student Care Services. In order to provide comprehensive and consistent care for students experiencing academic, financial or personal challenges, Student Care Services (SCS), under Student Rights and Responsibilities provides support to students identified as needing additional on-campus or off-campus resources. Care Managers for Student Care Services review referrals from students, faculty, staff and UCF community members who are concerned about behavior exhibited by a student. The goal of Student Care Services is to intervene and support the student before a situation reaches crisis level.

- (a.) Care Managers will reach out to the student to assess what resources would be beneficial and collaboratively develop an action plan to reduce obstacles affecting success at UCF. Care Managers will assist the student in coordinating with campus resources currently being utilized and then will work with the student to monitor progress. Depending upon the circumstances, the referring person may receive feedback about the student's action plan.
- (b.) In order to support student success, Care Managers may utilize additional campus resources to assist the student. This may include collaboration with the Student of Concern (SOC Team), a multidisciplinary group that reviews potential concerns presented by the UCF community regarding student behavior. The SOC Team offers additional knowledge of university resources and procedures and may make further recommendations regarding action plan items for student success. Students of concern are presented to the team at the discretion of Student Care Services or the Director of Student Rights and Responsibilities.
- (c.) Care Managers have additional campus support systems in place to assess students engaging in behavior that may pose a risk to themselves or others. This includes the University Crisis Team, Mandated Assessment Procedure, and Involuntary Withdrawal Procedure.

(6) University Crisis Team. The University may refer students who are viewed to be engaging in behavior(s) that poses risk to themselves or others to the University Crisis Team for possible action. Such behaviors include, but are not limited to: suicidal behavior, self-injury, threats to harm others, disruptive behavior, disordered eating, and endangerment to the community.

- (a) The Director of OSRR or designee will convene the team members in order to review each case and decide on the best course of action. The Crisis Team is composed of the following persons and/or their designee(s): Student Health Services Director, Counseling and Psychological Services Director, Chief of UCF Police Department, Director of the Office of Student Rights and Responsibilities, Student Care Services Assistant Director, Office of Student Conduct Director, Associate Dean for Academic Services, ~~Senior Associate Vice President & Dean of Students~~, and the Director of Housing and Residence Life.
- (b) Various campus units may enlist the services of the Team. These include but are not limited to Housing and Residence Life, Student Health Services, Student Accessibility Services, Counseling and Psychological Services, Recreation and Wellness Center, Wellness and Health Promotion Services, Office of Fraternity and Sorority Life, Athletics, Alcohol and Other Drug Intervention Services, University Police, and the Office of Student Conduct. In the event that a student's behavior raises concern about risk of danger to others, the involved unit will contact the Director of OSRR or designee. The Director of OSRR or designee will then contact Crisis Team members to convene a meeting in order to review the case and decide on the best course of action.
- (c) The role of the Student Health Services Director and the Counseling and Psychological Services Director on the Crisis Team will be consultative in nature. When possible, the Student Health Services Director and the Counseling and Psychological Services Director will not confer on a case for which they are (or have been) serving in a direct provider relationship with the involved student. When the involved student has been a client at UCF Counseling and Psychological Services, the Counseling and Psychological Services Director or designee will maintain the confidentiality of the student's clinical information and will make recommendations for action based solely upon the information provided in the meeting.

(7) Mandated Assessment Procedure. This University procedure is established for behaviors or actions that result in hospitalization from imminent danger to self or others via the Baker Act (F.S. 394.463) or Marchman Act (Chapter 397, Florida Statutes), significant acts or threats of violence to others, chronic eating disorders, dramatic and/or expansive displays of self-mutilation, behaviors that are significantly disruptive to the UCF community and /or diminish the ability of a student to care for oneself. Whenever the UCF Police provide transportation of a UCF student to the hospital for involuntary examination, the police will file a report with the OSRR. In addition, anyone may also file reports about students of concern with Student Care Services.

- (a) Once a report is received, the Assistant Director of Student Care Services or designee may notify and consult with designated representatives of UCF Counseling and Psychological Services or Student Health Services and/or the University Crisis Team to review the severity of the student's behavior for potential of continued risk to the campus community. A determination will be made whether a mandated assessment and/or physical assessment is needed to help the student in their specific situation or whether some other more stringent, protective action is appropriate to protect both the welfare of the student and the community. The mandated assessment session(s) may be used to evaluate the student's risk of harm to self or others, and to take appropriate actions to ensure the safety of the student or others if risk is present. In addition, the mandated assessment session(s) are designed to assist students in developing a safety and/or well-being plan and provide students with educational resources. A member of Student Care Services will contact the student in a timely manner and require an initial meeting between an OSRR representative and the student to inform the student of their rights and responsibilities regarding the incident.
- (b) All students identified as threatening self-harm or having attempted suicide must complete a mandated assessment with a licensed mental health professional and/or a physical assessment with a licensed medical provider. Examples of a licensed mental health professional include a UCF Student Health Services psychiatrist, a UCF Counseling and Psychological Services clinician, or a community based counselor or psychiatrist of the student's choice. Before the mandated assessment is conducted, the Assistant Director of Student Care

Services or designee will first attempt to obtain an *Authorization to Release/Exchange Confidential Information form* from the student to provide the licensed mental health professional and/or licensed medical health professional conducting the assessment with background information relevant to the reason for the mandated assessment. The Director of OSRR or designee will require proof of participation for the mandated assessment with a licensed mental health professional and/or proof of a physical assessment with an appropriate medical provider. The student must meet with Student Care Services within two weeks (10 business days) to complete a follow up appointment. Student must provide proof of assessment within four weeks (20 business days) or prior to return to the university (in the event a student withdraws for the remainder of the semester or is placed on Medical Withdrawal). Failure to comply may result in disciplinary action or the convening of the University Crisis Team to consider the initiation of the Involuntary Withdrawal Procedure.

- (c) In cases where more protective action is needed based on more severe behavior/conduct (e.g., behavior endangering others, threats to harm others, behavior significantly disruptive to the UCF community), the Director of OSRR or designee may initiate one or both of the following:
1. Interim Suspension followed by initiating the Student Conduct Review process;
 2. Convening of the University Crisis Team to consider the initiation of the Involuntary Withdrawal Procedure.

(8) Involuntary Withdrawal Procedure. A student who poses a serious danger of imminent or serious physical harm at the University may be involuntarily withdrawn from the University by the Director of OSRR or designee upon appropriate notification and consultation from the University Crisis Team and the ~~Senior~~ Associate Vice President & Dean of Students or designee.

- (a) This notification is received in the form of an incident report to the Office of Student Rights & Responsibilities, or a psychiatric evaluation filed with the UCF Police Department. The student will be withdrawn if the Director of OSRR or designee concludes, on the basis of preponderance of evidence that the student engages or threatens to engage in behavior that may:
1. Pose a significant danger of causing harm;

2. Cause significant property damage or interferes with the educational environment of others at the university; or
 3. Demonstrates an inability to care for his/her daily physical or mental wellbeing without assistance and has failed to secure such assistance.
- (b) The Director of OSRR or designee reserves the right to impose an immediate and interim withdrawal (the equivalent of an interim suspension), prior to the review of all information, if the Director of OSRR or designee concludes that the student poses a threat to the welfare of any individual, the student body, or any part of the University or its community. In such cases, there will be a scheduling of a hearing within three (3) business days to determine the status of interim withdrawal. At this hearing, the student shall be offered an opportunity to provide documentation from an appropriate healthcare provider of their choice who has conducted a proper assessment.
- (c) The Director of OSRR or designee will call a meeting of the University Crisis Team at the earliest possible date. The student may be present at this meeting and may present information in support of his/her case. Following the student's presentation, the team shall convene in executive session. At the conclusion of this proceeding, the team shall make a recommendation to the Director of OSRR or designee whether to withdraw the student, reinstate the student, or reinstate the student with conditions.
- (d) The Director of OSRR or designee will make a final decision regarding the student's enrollment status and notify the student in writing within 24 hours of the Crisis Team's recommendation.
- (e) A student subject to involuntary withdrawal is entitled to the following:
1. Notice of intent to remove the student pursuant to this policy stating the reasons for the action.
 2. The opportunity to examine the psychiatric or other evaluations provided to the committee and to discuss them.
 3. The opportunity to present relevant information for consideration of his/her case personally, or by a health professional working with that student, if the student is not capable of self-representation.

4. The opportunity to have an advisor of the student's own choice accompany the student.
 5. The right to appeal.
- (f) In the event a student disagrees with the decision of the Director of OSRR or designee, the student may appeal the finding. The appeal must be made in writing to the Vice President for SDES, or designee, within three (3) business days after the date of the notification to the student of the decision. The Vice President of SDES or designee, shall, within three (3) business days, sustain the initial decision or remand the case to the Crisis Committee for re-consideration. The Vice President's decision will be considered final agency action.
- (g) Upon being withdrawn, the student may no longer enroll in classes, may not be an active member of a registered Student Organization, may no longer use University facilities, must vacate University owned housing, may no longer be permitted on University property, may not be employed by UCF, and may be entitled to whatever refunds of tuition, fees, and room and board charges as would be appropriate given the timing of the withdrawal.
- (h) Students who are involuntarily withdrawn from the University shall have a hold placed on their records, which will prevent them from being readmitted or reenrolled at the institution except as stated in this paragraph. A student may request readmission or reenrollment at the University and provide the Director of OSRR or designee with documentation from an appropriate healthcare provider of their choice who has conducted a proper assessment of the student and concluded that the student does not pose a serious threat to others. In cases where the Director of OSRR or designee has imposed other conditions for readmission, it is the responsibility of the student to provide documentation of compliance with such conditions.
- (i) A student who is not involuntarily withdrawn may be subject to conditions to continue enrollment at the University. In such cases, the student will be provided with a written summary of conditions and must meet all conditions in order to maintain student status. A student who fails to meet such conditions will be subject to involuntary withdrawal by the Director of the Office of Student Rights

& Responsibilities or designee, or will be subject to charges through the University's Student Conduct Review Process for failure to comply.

- (j) The current medical withdrawal process should not be used to handle withdrawals related to mental health issues where an imminent threat to the community is evident or a violation of the Rules of Conduct has allegedly occurred. However, a student could choose to pursue a medical withdrawal within six (6) months of the end of the semester. As a general principle, the regular Student Conduct Review Process and its policies and practices are preferred in serious instances of misconduct, without regard to whether there might be mental health issues present. The procedures and specifications given in this regulation are to be employed in those extraordinary situations in which, in the judgment of the appropriate administrative officers, the regular Student Conduct Review Process is not applicable or cannot be applied.

(9) ~~Student Title IX Resources and Statement of Policy on Sexual Misconduct~~ Policy, Procedure, and Resources.

- (a) The University of Central Florida is committed to fostering an environment in which all members of our campus community are safe, secure, and free from sexual misconduct, and/or interpersonal violence listed and defined in the Rules of Conduct (UCF-5.008 and UCF-5.012)~~-including but not limited to, sexual harassment, sexual assault, sex-related stalking, dating violence, and domestic violence.~~
- (b) Our community expects that all interpersonal relationships and interactions – especially those of an intimate nature – be grounded upon mutual respect and open communication. When learning of conduct or behavior that may not meet these standards, community members are expected take an active role in promoting the inherent dignity of all individuals.
- (c) Federal law, specifically Title IX of the Education Amendments of 1972 (Title IX), prohibits discrimination on the basis of sex in education programs or activities. Title IX prohibits sex discrimination against students, staff members, and faculty members—which includes acts of sexual misconduct- and/or interpersonal violence~~such as sexual harassment, sexual violence, dating violence, domestic violence, and sex-related stalking.~~ Title IX also prohibits retaliation for

asserting or otherwise participating in claims of sex discrimination. A closely related federal law, Section 304 of the Violence against Women Act, requires universities to increase transparency about the scope of sex-related violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus community wide prevention education and awareness programming.

- (d) The University of Central Florida encourages any faculty, staff, student or non-student who thinks that he or she has been subjected to ~~S~~sexual ~~M~~misconduct and/or interpersonal violence by another student, member of the faculty or staff, or campus visitor or contractor, to immediately report the incident.
- ~~(e) UCF strives to promote the safety and well-being of all students and employees. This information is applicable to students and employees regardless of their sexual orientation, gender identity, or gender expression.~~
- ~~(ef) Rights of the Complainant and the Respondent. A student or student organization accused of~~charged with ~~S~~sexual ~~M~~misconduct and/or interpersonal violence (“Respondent”) and a student alleging ~~S~~sexual ~~M~~misconduct and/or interpersonal violence (“Complainant”) are afforded ~~have~~ the following rights throughout in the Title IX investigation process and the student conduct review process to provide a fair process for both parties while also ensuring Complainant’s protections under Title IX and the Campus SaVE Act.~~where there is an administrative or panel hearing.~~ These rights are in addition to the rights afforded in the student conduct review procedures outlined in UCF-5.009 (students) and UCF-5.013 (student organizations). ~~Administrative hearing officers and panel members who hear cases of Sexual Misconduct—including sexual assault, sexual harassment, dating violence, domestic violence and sex-related stalking—receive training on how to conduct fair and impartial hearings for these types of cases. The following provisions are designed to provide a fair process for both parties while also ensuring complainant’s protections under Title IX and Campus SaVE Act. The University shall provide notice of these rights to the Complainant and the Respondent at least five (5) business days before a formal disciplinary hearing is conducted through the University Student Conduct Review Process.~~ Complainant and Respondent rights include the following.

1. Both the Complainant and Respondent are permitted to have an advisor or support person accompany them throughout the ~~entire~~ Title IX investigative process and student conduct review process. This person ~~will~~ may act as a support person or advisor. This person ~~but~~ will not represent the Complainant or Respondent, ~~or~~ address witnesses, ~~panel,~~ ~~administrator,~~ investigator(s), the hearing body, ~~or~~ any other party, or otherwise directly participate ~~in~~ throughout the Title IX investigative process and student conduct review process ~~the hearing~~. In addition, a support person or advisor is unable to serve as a witness at any point. ~~A Complainant or Respondent shall be notified of the available assistance at the University of Central Florida.~~
2. Both the Complainant and the Respondent have the right to interim protective measures and shall be notified of available assistance at the University.
23. Both the Complainant and Respondent will be afforded similar and timely access to any information that will be used during the Student Conduct Review Process.
34. Both the Complainant and Respondent will receive notice to attend a preliminary conference meeting with the Office of Student Conduct and be informed of the available resolution options in the Student Conduct Review Process.
45. Both the Complainant and Respondent may submit a list of proposed questions related to the alleged incident, ~~prior to the hearing,~~ to be asked during the hearing process. The relevancy of proposed questions will be determined by the conduct officer or hearing body.
56. Both the Complainant and Respondent will have equal opportunity to present relevant ~~witnesses~~ parties and other information during the Title IX investigative process and the Student Conduct Review Process. The relevancy of proposed questions will be determined by the conduct officer or hearing body.
67. The Complainant may not have irrelevant past conduct, including sexual history, discussed during the hearing. The issue of relevancy shall be

determined by the conduct officer ~~Student Hearing Panel~~ or the hearing ~~officer~~ body.

78. Both ~~The~~ Complainant and the Respondent will be provided access to participate ~~in, view and hear~~ the entire formal hearing ~~whether~~ in person, via videoconference, ~~or~~ telephone, or by other means available.
89. Both, ~~The~~ Complainant and Respondent should not be questioned directly by one another during the Student Conduct Review Process. All questions shall be asked through the hearing body.
910. The Complainant may ~~make~~ submit an “~~victim~~-impact statement” and suggest an appropriate disciplinary sanction: warning, probation, suspension, or expulsion. See UCF-5.009(5) for more information regarding disciplinary sanctions for students, and section UCF-5.013(5) for more information regarding student organization disciplinary sanctions to include appropriate compensations if the ~~R~~ Respondent is found to have been in violation of the Rules of Conduct or Organizational Rules of Conduct.
1011. Both the Complainant and Respondent will be informed, concurrently and in writing, of the outcome of the ~~S~~ student ~~C~~ conduct ~~R~~ review ~~P~~ process and the outcome of the appeal process, ~~in accordance with federal guidelines~~. Notice of outcome sent to Complainant will include only the final determination with respect to the alleged offense and any sanction that is imposed against the Respondent, except that in cases not involving sexual violence, the Complainant will be notified of only those sanctions that directly relate to the Complainant.
1112. Both the Complainant and the Respondent have the right to appeal the outcome of the Student Conduct Review Process on the basis outlined in the Student Conduct Appeals section UCF-5.010 and UCF-5.013.
1213. Both the Complainant and Respondent will be given periodic status updates throughout the Title IX investigative process and the ~~S~~ student ~~C~~ conduct ~~R~~ review ~~P~~ process.

(g) Administrative hearing officers and panel members who hear cases of sexual misconduct and/or interpersonal violence – including sexual assault, sexual

harassment, relationship violence, and stalking (sex-based) – receive training on how to conduct fair and impartial hearings for these types of cases.

Authority: BOG Regulations 1.001 and 6.0105. History - Formerly 6C7-5.003, New 6-18-09, Amended 7-19-12, 9-5-13, 11-24-14, 10-29-15, 7-28-16.