

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: August 3, 2016

REGULATION TITLE:

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

REGULATION NO.:

UCF-5.011

SUMMARY OF PROPOSED REGULATION AMENDMENT: This regulation is amended to rewrite the principles of registered student organization responsibilities. Additionally, the provision encouraging students and student organizations to seek assistance in the event of an emergency caused by alcohol was rewritten and 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
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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; Student Organizational Conduct Records

(1) Scope

- (a) The organizational conduct regulations (UCF-5.011, 5.012, and 5.013) shall apply to all registered 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 registered student organizations for conduct that occurs:
 - 1. on 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 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.** Definitions for terms used in this section, as well as in the Organizational Conduct Review Process, are located in UCF-5.007(4).

~~(4) Principles of **Group Responsibility** Registered Student Organization 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.~~

(a) Any student organization can be held responsible for its actions or the actions of a collection of its members acting together. Misconduct on the part of an individual member(s) may not automatically be sufficient to initiate the Organizational Conduct Review Process.

(b) Students may be held accountable as individuals under the Rules of Conduct for their conduct, whether the students are acting in an individual capacities or the students are acting as a member of a student organization.

(c) The following criteria will be used to determine if a student organization can be held responsible for the actions of an individual(s) when those actions result in a violation of the Organizational Rules of Conduct:

1. A violation arises out of an organization-sponsored, financed, or otherwise sanctioned activity or event, where the organization provided the context for the violation.
2. A pattern of individual violations has occurred and/or continues to occur within the organization without adequate control, response, or disciplinary action on the part of the student organization or its executive board members or officers.
3. The action resulting in the violation has received either the implied or overt consent of the student organization or any executive board members or officers of the student organization.
4. The student organization or any executive board member or officer of the student organization fails to report and take reasonable action against invitees/members responsible for the Organizational Rules Conduct violation.
5. The student organization overtly places or implicitly allows active members of the student organization to be in a position to act on behalf or with authority of the organization.
6. The student organization chooses to protect one or more individual offenders who are active members of the student organization from official actions.

(d) Should a reported incident occur where an organization is named as allegedly violating an Organizational Rule of Conduct, the University may hold an investigation to gather facts to help provide further context to the original complaint.

~~(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.~~

(5) 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.

(6) Violations of Law and Rule of Conduct Violations. Students 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, 9-3-13, 10-29-15, 7-28-16.