

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: July 21, 2017

REGULATION TITLE:
Organizational Rules of Conduct

REGULATION NO.:
UCF-5.012

SUMMARY OF PROPOSED REGULATION AMENDMENT: This regulation is amended to revise and update the rules relating to sexual misconduct and interpersonal violence. Additional minor revisions are made throughout, including adding “registered” to the term student organizations.

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-5.012 Organizational Rules of Conduct

Registered 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 registered student organizations. The Organizational Rules of Conduct, set out below, apply to

registered 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 registered 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 an investigation, the student conduct review process, including knowingly initiating a false complaint

(3) Disruptive Conduct

- (a) Any act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof or the rights of one or more individuals.
- (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. Registered Sstudent 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.~~
- (gh) Participating in any event with a registered 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) Discrimantory Harassment: Defined as verbal, physical, electronic, or other 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 and Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy.
- (c) Bullying: Defined as behavior of any sort (including communicative behavior) directed at another, that is severe, pervasive, or persistent, and is of a nature that

would cause a reasonable person or group in the target's position substantial emotional distress and undermine his or her ability to work, study, or participate in University life or regular activities, or which would place a reasonable person in fear of injury or death.

- (d) Verbal, digital, 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 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), other person(s) alleging misconduct, or anyone who participates in an investigation of harassment.
- (g) Condoning or encouraging acts of harmful behavior as defined above or failing to intervene onstop an act of harmful behavior while it is occurring.

(5) Sexual Misconduct and/or Interpersonal Violence

- (a) Nonconsensual Sexual Conduct - Any nonconsensual sexual contact which occurs on or off the UCF campus.

~~1. Sexual Contact includes but is not limited to the following behaviors:~~

~~a. Touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; and/or~~

~~b. contact, however slight, between the mouth, anus or sex organ of one individual with either the anus or sex organ of another individual; and/or~~

~~c. contact, however slight, between the anus or sex organ of one individual and any other object.~~

~~12. Consent is an understandable exchange of affirmative words or actions which indicate a willingness to participate in mutually agreed upon sexual activity or statement by an individual that is informed, freely given and mutually understood. Consent cannot be obtained by force, threat, coercion, manipulation, reasonable fear of injury, intimidation, use of position of~~

influence, or through the use of one's mental or physical helplessness or incapacity. The lack of a negative response, Lack of protest or resistance, silence, and passivity are-is not consent. Silence is not consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Past consent to sexual activity does not imply ongoing further consent.

- a. Responsibilities - It is the responsibility of the initiator to obtain consent at each stage of sexual involvement.~~each person involved in any sexual activity to ensure the consent of the other, or others, to engage in the sexual activity.~~
- b. Standard - A determination of whether consent exists will be based on the information the initiator of the sexual act knew or should have known as a sober, reasonable person. Being impaired by alcohol or other drugs~~intoxicated~~ does not relieve an initiator of a sexual act from obtaining consent.
- c. Incapacitation - Incapacitation is a state where an individual cannot make rational, reasonable decisions because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is take is taking place. A person may be incapacitated due to the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. A person who is incapacitated lacks the capacity to give consent because they cannot understand the fact, nature, or extent of the sexual interaction.~~If a person is mentally or physically incapacitated so that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.~~
 - i. ~~Incapacitation is a temporary or permanent state in which a person cannot make informed, rational judgments because the person lacks the physical or mental capacity to understand the nature or consequences of their words and/or conduct, and/or the person is unable to physically or verbally communicate consent.~~

~~ii. This includes but is not limited to conditions due to age, alcohol or drug consumption, being unconscious or asleep, or because of an intellectual or other disability that prevents the person from having the capacity to give consent.~~

d. Duration of Consent - Consent must be ongoing throughout sexual activity, for each sexual act, and can be withdrawn at any time.

i. Within each sexual encounter, there may be separate individual sexual acts involved. Consent to one act by itself does not constitute consent to another act. If verbal consent is not given, ongoing active participation is required for consent.

ii. The existence of a dating or sexual relationship between the persons involved, or the fact of past sexual relations have occurred between the parties, is not an indicator of consent for any current or future sexual encounter.

~~iii. An individual who seeks to withdraw consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once consent is withdrawn, the sexual activity must cease immediately.~~

e. Scope of Consent - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

2. Sexual Contact – includes but is not limited to the following behaviors:

a. Touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; and/or

b. contact, however slight, between the mouth, anus or sex organ of one individual with either the anus or sex organ of another individual; and/or

c. contact, however slight, between the anus or sex organ of one individual and any other object.

(b) Sexual Harassment: Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal,

non-verbal, graphic, physical, or otherwise, when the conditions for Discriminatory Harassment as defined in 5.012(4)(b) are present. This is ~~C~~conduct that would constitute sexual harassment under federal or state civil rights laws or under University Regulation UCF-3.001. Sexual Harassment may include inappropriate touching, acts of sexual violence, suggestive comments and public display of pornographic or suggestive calendars, posters, or signs where such images are not connected to any academic purpose. A single incident of nonconsensual sexual harassment, including but not limited to unwelcome sexual advances, requests for sexual favors, or other harassment based on sex which, due to the severity and pervasiveness of the conduct and the targeted nature of the conduct on the basis of sex (including but not limited to sexual orientation, gender identity, gender expression and pregnancy), objectively prevents or impairs another person's full enjoyment of the educational benefits, employment, atmosphere, or opportunities provided as part of the University.

- (c) Gender-Based Harassment: Discriminatory harassment that is based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions for Discriminatory Harassment as defined in UCF-5.012(4)(b) are present.
- (~~d~~e) Obscene or Indecent Behavior - 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.
- (~~e~~f) Voyeurism - Trespass, spying, or eavesdropping for the purpose of sexual gratification.
- (~~f~~e) Solicitation of a Minor – soliciting sexual acts from a minor by oral, written, or electronic means.
- (~~g~~f) Child Pornography – possessing, producing or the dissemination of child pornography

(hg) Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person's safety or the safety of others, or to experience substantial emotional distress. A "course of conduct" is two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact. Stalking may include, but is not limited to: non-consensual communications (face to face, telephone, e-mail); threatening or obscene gestures; surveillance/following/pursuit; showing up outside the targeted individual's classroom or workplace; sending gifts and/or notes (romantic, bizarre, sinister, or perverted); and/or making threats.~~Stalking (sex-based): Repeated, unwanted conduct toward or contact with another person because of sex that creates fear for the person's safety or the safety of others, or causes an individual to suffer emotional distress. Such conduct is direct, indirect, or through a third party, using any type of action, method, or means. Cyber stalking is also included in this definition.~~

(i) Sexual Exploitation: Sexual Exploitation is purposely or knowingly doing or attempting to do any of the following:

1. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
2. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
3. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
4. Subjecting another person to human trafficking; or

5. Exposing another person to a sexually transmitted infection or virus without the other's knowledge.

~~(j)~~ Complicity: Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act prohibited by the Organizational Rules of Conduct UCF-5.012(5). ~~Condoning or encouraging acts of sexual misconduct and/or interpersonal violence defined above or failing to stop an act of sexual misconduct and/or interpersonal violence while it is occurring are also violations of this policy.~~

~~(k)~~ Any attempted acts of sexual misconduct and/or interpersonal violence of the acts defined above are also violations of this policy.

(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 registered 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 Registered Student Organizations. Registered ~~S~~ student organizations may be eligible for exemptions from disciplinary action when a representative of an organization at a registered student organizational event calls for emergency assistance on behalf of a person experiencing an alcohol related emergency. Registered ~~S~~ student organizations that seek medical assistance for alcohol emergencies may receive exemption for violations of the Organizational Rules of Conduct Section ~~6(a)-6(f)-subsections a through f~~; however, exemption for other Organizational Rule of Conduct violations

may not be granted. Registered Sstudent organizations may be eligible for this exemption on a case by case basis at the discretion of the Director of the OSCOffice of Student Conduct. Additional information regarding alcohol emergencies can be found at the Office of Student Conduct website.

(7) Drug Related Misconduct

- (a) Unlawful Uuse 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 registered student organization.
- (b) Unlawful sale, barter, or disposition of a voucher or any item for participation ticket, order, or any interest in a scheme of chance by whatever name on University premises or at any activity sponsored by a registered 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 registered 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 registered 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 registered 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.

(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 registered 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 of course material to another person, student, and/or uploading course material to a third party vendor without authorization or without the express written permission of the University and the Instructor. Course materials include but are not limited to class notes, Instructor's power points, course syllabi, tests, quizzes, labs, instruction sheets, homework, study guides, handouts, etc. ~~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, 9-3-13, 10-29-15, 7-28-16, _____17.