

NOTICE OF REGULATION REPEAL

Date: February 19, 2009

REGULATION TITLE:

Sexual Abuse

REGULATION NO.:

6C7-5.0044

SUMMARY OF REGULATION REPEAL: This regulation is being repealed. The subject matter will be covered in other regulations.

AUTHORITY: BOG Resolution dated January 7, 2003

NAME OF PERSON WHO INITIATED REGULATION REPEAL:

Nicholas Oleksy, Coordinator, Office of Student Conduct

COMMENTS CONCERNING THE REGULATION REPEAL 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 REGULATION REPEAL 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 REPEAL:

6C7-5.0044 Sexual Abuse.

(1) Policy. In keeping with efforts to establish an environment in which the dignity and worth of all members of the institutional community are respected, it is the policy of UCF that

sexual abuse of students is unacceptable conduct that will not be tolerated. Examples of sexual abuse behaviors that are prohibited by UCF shall include but are not limited to:

(a) Sexual Assault: Rape, acquaintance rape (date, friend, someone the victim knows casually or through mutual friends) which is defined as coerced sexual intercourse against the victim's will.

(b) Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature which prevents or impairs that person's full enjoyment of educational benefits, climate, or opportunities.

(c) Public Indecency: Exposing one's body in such a manner that another party reasonably could be offended or sexual conduct where another party reasonably could be offended.

(d) Voyeurism: To trespass, to spy or eavesdrop for sexual arousal.

(2) 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 abuse may not be resolved through a student hearing board. Rather, it may be resolved through a hearing before a judicial officer (see subsection 6C7-5.0041(5), F.A.C.).

(3) UCF will not attempt to shelter students from federal, state, and/or local laws pertaining to sexual misconduct.

(4) Rights for Victims/Survivors of Sexual Abuse – To ensure fairness to victims/survivors of sexual abuse throughout the disciplinary process the University has established the following policy on victim/survivor's rights:

(a) The right of a victim/survivor to have a person of their choice accompany her/him throughout the disciplinary hearing. This person will act as a support person or counsel but will not represent the victim/survivor while he/she appears as a witness.

(b) The right of the victim/survivor to submit a list of questions related to the alleged incident, prior to the hearing, that she/he feels the accused should be asked during the hearing process.

(c) The right not to have his/her irrelevant past conduct, including sexual history, discussed during the hearing. The issue of irrelevancy shall be determined by the hearing board or judicial officer.

(d) The right to make a “victim/survivor impact statement” and to suggest an appropriate penalty (to include appropriate compensations) if the accused is found in violation of the Student Rules of Conduct.

(e) 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. 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.

Authority: BOG Resolution dated January 7, 2003. History–New 12-24-91, Amended 10-18-05.