

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: August 26, 2022

REGULATION TITLE:

Student Rights and Responsibilities

REGULATION NO.:

UCF-5.006

SUMMARY OF REGULATION AMENDMENT: This regulation sets forth student rights and responsibilities, including the definitions used in the student conduct process and the procedures used to address sex-based misconduct. The proposed amendments serve to include language consistent with the University's updated Nondiscrimination Policy, clarify the reporting obligations of Responsible Persons related to sexual misconduct, reorganize provisions of the student conduct procedures for sex-based misconduct, and update the terms used for those personnel who conduct Title IX Sexual Harassment proceedings.

AUTHORITY: BOG Regulations 1.001 and 6.0105

NAME OF PERSONS WHO INITIATED PROPOSED REGULATION AMENDMENT:

Nancy Myers, Director, Office of Institutional Equity

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 N.
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 and its elective process.
- (b) Membership in Registered 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:
 1. Written materials identified by authorship and sponsorship may be sold or distributed on campus within the guidelines of propriety and responsible journalism. The distribution of such material, as is arranged by the Director of Office of Student Involvement, is permissible for registered student organizations provided steps have been taken to preserve the orderliness of the campus.
 2. Solicitation, whether printed materials or otherwise, on campus is prohibited except as provided in University Regulation UCF-4.010.
 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 operation of the institution, nor violate federal, state, or local laws, or University policies and regulations.
- (g) Fair and impartial proceeding. These matters shall include, but not be limited to:
 1. Disciplinary proceedings involving an alleged violation of academic and nonacademic rules.
 2. Refunds and charges. The status of a student charged with a violation of University rules shall not be affected pending final disposition of the charges except in the case of administrative action (also known as an interim action). For specific procedures and rights of students during the Student Conduct Review 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."
- (i) Students with disabilities may be entitled to accommodations. For those students, please contact Student Accessibility Services.

(2) Student Responsibilities. A student at the University is deemed to have given their 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) Definitions.

- (a) The term "Academic Misconduct Panel" is comprised of one faculty and one staff/faculty member and two students selected from the Student Conduct Board.
- (b) The term "Advisor" or "Support Person" refers to any individual who provides support, guidance or advice to a party involved in a Student Conduct Review Process and includes advocates and/or legal representatives. The Advisor or Support Person of the involved party's choice may assist and/or accompany the

party throughout the Student Conduct Review Process. This person may be present to advise the party involved in a Student Conduct Review Process and may participate in all aspects of the proceeding but shall not testify for the party. The Advisor or Support Person may not serve in any other role, including as a witness, an investigator, decider of fact, hearing officer, or member of a committee or panel convened to hear or decide the charge or any appeal. The term “Advisor” does not include an advisor as defined under 34 CFR 106.45; refer to University Policy 2-012 for information about “Advisor” under the University’s Title IX Grievance Policy.

- (c) The term “Class Lecture” is defined as a formal or methodical oral presentation as part of a university course intended to present information or teach enrolled students about a particular subject. A class lecture will occur most often in a course identified by the university as a lecture type course, whether online or in-person, as opposed to a lab course or a course section identified as a discussion section. “Class lecture” does not include lab sessions, student presentations (whether individually or as part of a group), class discussion (except when incidental to and incorporated within a class lecture), clinical presentations such as patient history, academic exercises involving student participation, test or examination administrations, field trips, and private conversations between students in the class or between a student and the faculty member during a class session.
- (d) The term “Clery Act” refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Clery Act is a federal law that requires institutions of higher education to provide current and prospective students and employees, the public, and the federal government with crime statistics and information about campus crime prevention programs and policies. Among other crimes, the Clery Act requires that colleges and universities report forcible sex offenses including sexual assault and rape. The Clery Act was amended by the Violence Against Women Reauthorization Act of 2013.
- (e) The term “Community ReEngagement and Educational Development (CREED) Program” is a committee composed of an equal number of faculty/staff and students appointed by the Director of Student Conduct and Academic Integrity (SCAI) or designee to review the disciplinary status of a student, or the removal of a “Z Designation” on a student’s transcript.
- (f) The term “Complainant” refers to anyone who discloses having been subjected to any act prohibited by the Rules of Conduct section UCF-5.008(5), the Rules of Conduct section UCF-5.008(6), or the Organizational Rules of Conduct section UCF-5.012(5), regardless of whether that person makes a report or seeks action under that policy.
- (g) The term “Consent” means an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. 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. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The lack of a negative response, lack of protest or resistance, and silence ~~and passivity~~ are not consent. An individual who is incapacitated (such as by alcohol and/or other drugs both voluntarily or involuntarily consumed) may not give 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 future consent. Consent to sexual activity on a prior occasion does not, by itself, constitute consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of consent. Once consent has been given to a particular sexual activity, it may be withdrawn at any time. 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.~~

1. Responsibilities - It is the responsibility of the initiator to obtain clear and affirmative words or actions of a willingness to participate responses at each stage of sexual involvement.
- ~~2. 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 does not relieve an initiator of a sexual act from obtaining consent.~~
- ~~23.~~ 23. Incapacitation – Incapacitation is a state where an individual cannot make rational, reasonable decisions because of age, mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity 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 facts, nature, or extent of the sexual interaction. A person seeking to initiate sexual activity is not expected to be a medical expert in assessing incapacitation. The potential initiator must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation.
- ~~4. Duration of Consent—Consent must be ongoing throughout sexual activity, for each sexual act, and can be withdrawn at any time.~~
- ~~5. 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.~~
- ~~6. 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.~~
- ~~7. 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.~~
- ~~8. Scope of Consent—Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.~~
3. Being impaired by alcohol or other drugs is no defense to any violation of this regulation.

- (h) The term “Continuously Enrolled” is defined as being enrolled in classes without a break of two or more consecutive regular semesters/terms (i.e., Fall and Spring, or Spring, Summer, and Fall).

- (i) The term “Deputy Title IX Coordinator” is defined as a university employee who is responsible for assisting with the coordination of the University’s efforts to comply with and carry out its responsibilities under Title IX. ~~UCF’s Deputy Title IX Coordinators are Dana Juntunen, Brandi Stuart, and Abigail Maliek.~~
- (j) The term “Director of SCAI” refers to the Director of Student Conduct and Academic Integrity.
- (k) The term “Hold” refers to a negative service indicator placed on a student’s record that includes but is not limited to: prevent modification to registration; access to transcripts; and re-enrollment following a separation from the University.
- (l) The term “Mandated Assessment” refers to a process which is 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, completed by a licensed mental health professional or other appropriate licensed medical provider.
- (m) The term “Off Campus” refers to any location not defined as University premises.
- (n) The term “Overlay” refers to a notification on a student’s university transcript that states the student is not in good standing.
- (o) The term "Possession" means having actual knowledge of a substance or property, and intentionally exercising control over that substance or property.
- (p) The term “Preponderance of Evidence” means that evidence, considered as a whole, shows that the fact sought to be proved is more probable than not. This is the standard used in adjudicating all disciplinary cases within the Student and Organizational Conduct Review Process.
- (q) The term “Publish” means to share, transmit, circulate, distribute or otherwise provide access to a recording, regardless of format or medium, to another person (or other persons), including but not limited to another student in the class. Additionally, a recording, or transcript of the recording, is published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited social media, book, magazine, newspaper, leaflet, picket signs, or any mode of print.
- (r) The term “Record Sealing” refers to when a student’s disciplinary record cannot be examined except by a court order or designated officials.
- (s) The term “Relevant Information” means information that has been shown to directly support the position of a party throughout one of the University’s investigative processes, including the Student and/or Organizational Conduct Review Process.
- (t) The term “Respondent” refers to any student or registered student organization who has been accused of a violation of Rules of Conduct Section UCF-5.008(5), Rules of Conduct Section UCF-5.008(6), and/or the Organizational Rules of Conduct section UCF-5.012(5).
- (u) The term “Responsible ~~Person~~Employee” is defined as any university or Direct Support Organization non-student employee, ~~and Direct Support Organization non-student employee,~~ who is not a confidential employee as defined in the University’s Reporting Requirements Related to Nondiscrimination-Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy (No. 2-015), as well as resident assistants, and graduate students with administrative, instructional, or supervisory authority over others . Responsible PersonsEmployees include (but are not necessarily limited to) Faculty (full-time and part-time), Staff (full-time and part-time), ~~Resident Assistants, and graduate~~

~~students with classroom responsibilities. Responsible employees also include and~~
all those employees identified as Campus Security Authorities (CSAs). The University reserves the right to designate other individuals involved in university-sponsored/related activities as Responsible ~~Persons~~Employees on a case-by-case basis.

- (v) The term “Sanction” refers to outcome(s) imposed on students and registered student organizations found in violation of any Rules of Conduct or Organizational Rules of Conduct.
- (w) The term “Sex Discrimination” refers to any unlawful distinction, preference or detriment to an individual that is based upon an individual’s sex that: (1) excludes an individual from participation in; (2) denies the individual the benefits of; (3) treats the individual differently with regards to; or (4) otherwise adversely affects a term or condition of an individual’s employment, education, living environment, or participation in a university program or activity. Sex discrimination includes sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or aiding and abetting~~omplieity~~.
- (x) The term “Sexual Contact” means physical contact of a sexual nature between individuals and includes but is not limited to: (i) touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; and/or (ii) 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 (iii) contact, however slight, between the anus or sex organ of one individual and any other object.
- (y) The term “Student” means any person enrolled in one or more classes at the University, either full time or part time, study abroad student, online students, continuing education students, students pursuing undergraduate, graduate or professional studies, either degree seeking or non-degree seeking. Persons who withdraw after allegedly violating the Rules of Conduct, or who are not officially enrolled for a particular academic term but who have a continuing relationship with the University are also “students.” Individuals who have been accepted for admission and have paid an enrollment deposit are considered “students” for limited purposes (including the Student Conduct Review Process).
- (z) The term “Student Conduct Board” refers to any person or persons authorized by the Director of SCAI or designee to review information and recommend findings regarding whether a student or registered student organization has violated the Rules of Conduct or Organizational Rules of Conduct, and to recommend sanctions that may be imposed, if applicable. Student Conduct Board members shall be selected through an annual application and interview process, with the exception of the justices from the Student Government Judicial Branch. All members of the Student Conduct Board shall receive annual training from SCAI.
- (aa) The term “Title IX” refers to the Title IX of the Education Amendments of 1972 which is a federal law that protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”. Additionally, Title IX prohibits discrimination on the basis of pregnancy as well as Title IX sexual harassment (defined in UCF Policy 2-012UCF-5.006(7)).

- (bb) The “Title IX Coordinator” is defined as a university employee who is responsible for coordinating the University’s efforts to comply with and carry out its responsibilities under Title IX. ~~UCF’s Title IX Coordinator is Matt Rieke.~~
- (cc) The term “University” means the University of Central Florida.
- (dd) The term “University Community” refers, collectively and individually, to students, University officials, Trustees, employees, and all visitors, contractors, and guests to the University or any of its campuses, facilities or events.
- (ee) The term “University Official” includes any person employed by the University (i.e., faculty, staff, administration, and residence hall staff) acting within the scope of their job duties.
- (ff) The term “University Premises” includes all land, buildings, facilities, and other properties in the possession of or owned, used, controlled by the University, or its direct support organizations.
- (gg) The term “VAWA” refers to the Violence Against Women Reauthorization Act of 2013, which amended the Violence Against Women Act and the Clery Act to provide new requirements for schools to prevent and respond to sexual violence, relationship violence and stalking. Some of these requirements include providing primary prevention education and awareness programs for all incoming students and employees; collecting statistics on relationship violence and stalking, in addition to current requirements to collect sexual assault statistics; issuing Complainants a written notice of their rights; and adopting grievance policies that are prompt, fair, and impartial as well as administered by trained officials.
- (hh) The term “VP of SDES” refers to the Vice President of Student Development and Enrollment Services.
- (ii) The term “Witness” refers to any person who directly observed an incident or has direct or indirect knowledge related to an incident.

(4) 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 University premises.

(5) Medical Emergencies. The University of Central Florida highly encourages students and Registered Student Organizations to call for medical assistance whenever an individual experiences severe intoxication/impairment or serious injury after consuming alcohol and/or drugs. Students and Registered Student Organizations may be reluctant to call for help for themselves or others due to potential involvement from law enforcement officials or SCAI. 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 law enforcement officials 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 section 5.007 for individuals of and 5.011 for Registered Student Organizations.

(6) Student Conduct Procedures for Sex-Based Misconduct (Non-Title IX Sexual Harassment).

- (a) These procedures apply to alleged violations of UCF Regulation 5.008(5) and 5.012(5), but do not apply to 5.008(6) Title IX Sexual Harassment (see paragraph (7) below).
- ~~(a)~~(b) The Office of Institutional Equity (OIE) will conduct investigations under these procedures in a thorough and neutral manner. SCAI will then adjudicate the

matters through the student conduct review process. During the investigation process and student conduct review process, the University will utilize the preponderance of evidence standard.

- (b) ~~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 sex discrimination, including sexual misconduct, stalking, and relationship violence, listed and defined in the Rules of Conduct (UCF-5.008) and Organizational Rules of Conduct (UCF-5.012). 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. For a more exhaustive list of the community’s rights and expectations as it relates to Title IX Policy and Procedures, please reference University Policy 2-004.1 Prohibition of Discrimination, Harassment and Related Interpersonal Violence. Allegations of Title IX Sexual Harassment (as defined in the University’s Title IX Grievance Policy, UCF Policy 2-012) are governed by paragraph (7) below.~~
- (c) ~~The university encourages any faculty, staff, student or non-student who thinks that he or she has been subjected to sex discrimination or retaliation by another student, member of the faculty or staff, or third party affiliated with the University to immediately report the incident to the Office of Institutional Equity. Reports may be filed at <https://letsbeeclare.ucf.edu>.~~
- (cd) Rights of the Complainant and Respondent.
1. The University strives to promote the safety and well-being of all students and employees. The requirements and protections of this policy apply equally regardless of an individual’s protected class as defined in the University’s *Nondiscrimination Policy* (No. 2-004). All requirements and protections also are equitably provided to individuals regardless of their status as a Complainant, Respondent, or Witness. This information is applicable to students and employees regardless of their sex, gender, sexual orientation, gender identity, or gender expression.
- (e) ~~Rights of the Complainant and the Respondent. Any individual (“Complainant”) who discloses having been subjected to sex discrimination, including sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity, and any individual or registered student organization (“Respondent”) who has been accused of sex discrimination, including sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity, are afforded the following rights throughout the university’s investigative process and the student conduct review process (except in cases involving alleged Title IX Sexual Harassment as defined in the University’s Title IX Grievance Policy, UCF Policy 2-012, see paragraph (7) below). These rights provide a fair process for both parties. These rights are in addition to the rights afforded in the student conduct review procedures outlined in University Policy 2-004.1 Prohibition of Discrimination, Harassment and Related Interpersonal Violence, and referenced in UCF-5.009 (students) and UCF-5.013 (student organizations) of the University Regulations. Complainant and Respondent rights include the following:~~

21. Both the Complainant and Respondent are permitted to have an advisor or support person accompany them throughout the university's investigative process and student conduct review process. This person may be present to advise the party ~~involved in a student conduct review process and may participate in all aspects of the proceeding~~ but shall not testify for the Complainant or Respondent. The advisor or support person may not serve in any other role, including as a witness, an investigator, decider of fact, hearing officer, or member of a committee or panel convened to hear or decide the charge or any appeal. Also, it is within OIE's or SCAI's discretion whether to reschedule a meeting regarding an investigation or adjudication, respectively, due to a support person's/advisor's unavailability. Parties and witnesses must give prior notice to the investigator or SCAI representative, as appropriate, when any other person will be attending a meeting with OIE or SCAI.
32. Both the Complainant and the Respondent have the right to remedial and protective measures and shall be notified of available assistance at the University. The University offers a wide range of resources for students and employees to provide support and guidance throughout the complaint initiation, investigation, and resolution of a report of sex discrimination. The University will offer reasonable and appropriate measures to protect the parties and maintain continued access to their educational programs and activities, as well as employment. These measures may be remedial (designed to address a party's safety and well-being and continued access) or protective (designed to reduce the risk of harm to an individual or community). These measures include but are not limited to no-contact directives, residence modifications, academic modifications and support, work schedule modifications, and assistance with arranging for escorts or transportation. For information, see Remedial Measures, Prevention, & Education Related to Nondiscrimination Policy (No. 2-016).
43. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during the investigative process and during a formal hearing. ~~Prior to the initiation of the student conduct review process, the investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the investigator will not consider statements of personal opinion, rather than direct observations or reasonable inference from the facts, or statements as to any party's general reputation for any character trait.~~
- ~~4. If the investigative process results in a recommendation to initiate the student conduct review process, at least seven business (7) business days before the formal hearing, the Respondent will receive timely written notice of the charges in sufficient detail to prepare for the formal hearing and the date, time, and location of the formal hearing. In addition to the timely written notice, Complainant and Respondent will be required to attend a preliminary conference meeting with SCAI and be informed of the available resolution options in the student conduct review process.~~
5. Both the Complainant and Respondent have the right to ~~an~~ impartial investigators, decision-makers and hearing officers. Prior to the commencement of the formal hearing, the Complainant and Respondent shall have the opportunity to challenge the impartiality of the hearing officer. If the Complainant or Respondent shows good cause for the removal of the hearing

officer, the Associate Vice President and Dean of Students or designee will assign a new hearing officer.

- ~~6. At least five (5) business days before the formal hearing, both the Complainant and Respondent will be provided with all known information in the University's possession related to the allegations. This information will include all known witnesses and all known information that is related to the allegations, both inculpatory and exculpatory.~~
- ~~7. If the matter proceeds to a formal hearing, both the Complainant and Respondent may submit a list of proposed questions related to the alleged incident to be asked during the formal hearing. The relevancy of proposed questions will be determined by the hearing officer. During a formal hearing, all questions shall be asked through the hearing officer. Both Complainant and Respondent should not be questioned directly by one another nor by either's advisor; instead, questions for each shall be asked by the hearing officer based on proposed questions submitted by the other party.~~
68. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during the investigative process and student conduct review process. Throughout the entire process, it is the student's responsibility to coordinate, schedule and communicate with OIE or SCAI if they would like to present relevant witnesses, documents or other information to be taken into consideration by OIE or SCAI. Unless otherwise stated in regulation, advisors are not permitted to coordinate, schedule and communicate with OIE or SCAI on behalf of a student. Neither the Complainant nor Respondent will have irrelevant past conduct, including sexual history, discussed during the formal hearing. The issue of relevancy shall be determined by the investigator during the investigation and by the hearing officer during the student conduct review process. Such evidence, as deemed relevant to the investigation and used in authoring the investigative findings report, shall be presented during the student conduct review process. Relevancy and timeliness will be determined by the investigator(s). All evidence and witnesses must be submitted by the Complainant and Respondent no later than the conclusion of the investigative findings report review period prior to the report being sent to OSRR. If OSRR determines that there is "cause," then OSRR will make a written recommendation, including a copy of OIE's investigative report and all other supporting information, to SCAI. A finding of "cause" at this stage is not a finding of a violation. SCAI will charge the student and/or registered student organization through the Student Conduct Review Process when there is evidence of facts which reasonably allow the university to conclude that a violation of 5.008(5) or 5.012(5) may have occurred.
- ~~9. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during a formal hearing review process. Neither the Complainant nor Respondent will have irrelevant past conduct, including sexual history, discussed during the formal hearing. The issue of relevancy shall be determined by the hearing officer.~~
- ~~10. Both the Complainant and the Respondent will be provided access to participate, during the entire formal hearing in person, via videoconference, by telephone, or by other means available.~~

~~11. At least five (5) business days before the formal hearing, the Complainant may submit a written statement describing the impact of the Prohibited Conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. At least five (5) business days before the formal hearing, the Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanction(s) imposed. SCAI will ensure that the Complainant and the Respondent each have an opportunity to review any statement submitted by the other party before the start of the formal hearing. The purpose of the statement(s) is to assist the hearing officer in proposing a sanction. Therefore, the statement(s) will be given to the hearing body for consideration only if the hearing officer makes a proposed finding of in violation on one or more allegations of sex-based misconduct (other than Title IX sexual harassment) addressed in the formal hearing.~~

~~712.~~ Both the Complainant and Respondent will be informed, concurrently and in writing, of the outcome of the investigative process, the Student Conduct Review Process, and the outcome of the appeal process.

~~813.~~ 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 applicable Student Conduct Appeals section UCF-5.010 (individual student) or UCF-5.013 (registered student organizations).

~~914.~~ Both the Complainant and Respondent will be given periodic status updates throughout the investigative process and the Student Conduct Review Process.

10. Persons requiring a reasonable accommodation based on a disability throughout the process must alert the investigator, Title IX Coordinator or SCAI contact of their need/request a reasonable amount of time prior to the start of any meeting or proceeding described herein, even if the persons are already receiving accommodations from other university services or resources.

(df) Administrative hearing officers who hear cases of sex-based misconduct (other than Title IX sexual harassment) receive annual training on how to conduct fair and impartial hearings for these types of cases.

(7) Title IX Sexual Harassment Procedures for Student Conduct Review Process.

- (a) 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. Part of Title IX's prohibition regarding sex discrimination includes acts of Title IX Sexual Harassment as defined in the University's Title IX Grievance Policy, UCF Policy 2-012. Title IX also prohibits retaliation for making a good faith report of Title IX Sexual Harassment or participating in or being a party to any proceeding involving allegations of Title IX Sexual Harassment.
- (b) Rights of the Complainant and the Respondent. The rights of the Complainant and Respondent in a Title IX Sexual Harassment matter are explained in the University's Title IX Grievance Policy, UCF Policy 2-012.
- (c) Procedures Governing Title IX Sexual Harassment Allegations. The policy and procedures which govern the investigation and live hearing process for allegations of Title IX Sexual Harassment are found in the University's Title IX Grievance Policy, UCF Policy 2-012.

- (d) ~~Administrative hearing officers~~ Decision-makers and hearing chairs who hear cases of Title IX Sexual Harassment receive annual 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, 7-20-17, 1-18-18, 7-19-18, 7-18-19, 6-18-20, 10-22-20, 9-23-21, _____-22.