

This Emergency Regulation temporarily amends an existing regulation. These emergency amendments are being done to comply with Title IX rules recently adopted by the U.S. Department of Education and which take effect August 14, 2020. The emergency regulation procedure must be utilized to ensure the University is in compliance with federal law in a timely manner. The Board of Governors Regulation Development Procedure does not require a public notice and comment period prior to approval of emergency regulations/regulation amendments. The emergency amendments below will be effective for a period not to exceed ninety (90) days - during this time, the University will propose regulation amendments through the normal public notice and comment process. Therefore, please follow the UCF Regulations page for future notice of regulation development.

NOTICE OF EMERGENCY REGULATION AMENDMENT

Date: August 14, 2020

REGULATION TITLE:

Student Rights and Responsibilities

REGULATION NO.:

UCF-5.006

SUMMARY OF REGULATION AMENDMENT: This regulation is amended on an emergency basis to include changes necessary to comply with new Title IX regulations recently adopted by the U.S. Department of Education and which take effect on August 14, 2020.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSONS WHO INITIATED PROPOSED REGULATION AMENDMENT: Regulations Administrator

COMMENTS CONCERNING THE PROPOSED EMERGENCY 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
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Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
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FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-5.006 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 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 educational operation of the institution, nor violate state or local laws, or University 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.”

(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) Definitions.

- (a) The term “Academic Integrity Panel” is comprised of one faculty and one staff/faculty member and two students selected from the Student Conduct Board. ~~Members of this panel will receive annual training on how to conduct an investigation related to academic misconduct.~~
- (b) The term “Advisor” or “Support Person” refers to any individual who provides support, guidance or advice to a party involved in a ~~Title IX investigation or~~ Student Conduct Review Process. The Advisor or Support Person of the involved party’s choice may assist and/or accompany the party throughout the ~~investigative process~~ ~~and~~ Student Conduct Review Process. This person shall not speak for, or present the information on behalf, of the party who requested the Advisor or Support

Person's attendance. As used in this regulation and in Regulation UCF-5.009, 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 "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.
- (d) 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.
- (e) The term "Complainant" refers to anyone who discloses having been subjected to sex discrimination, which includes sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity in the commission of any act prohibited by the Rules of Conduct section UCF-5.008(5) 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.
- (f) 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 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 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 future consent.

1. Responsibilities - It is the responsibility of the initiator to obtain clear and affirmative 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.
3. 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.
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.

(gf) 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).

- (hg) 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 Malick.
- (ih) The term "Director of SCAI" refers to the Director of Student Conduct and Academic Integrity.
- ~~(i) The term "Executive Director of the OSRR" refers to the Executive Director of the Office of Student Rights and Responsibilities.~~
- (j) The term "Hold" refers to a 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
- (k) 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.
- (l) The term "Off Campus" refers to any location not defined as University premises.
- (m) The term "Overlay" refers to a notification on a student's university transcript that states the student is not in good standing.
- (n) 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 Conduct Review Process.
- (o) The term "Record Sealing" refers to when a student's disciplinary record cannot be examined except by a court order or designated officials.
- (p) The term "Relevant Information" means information that has been shown to directly support the position of a party throughout the University's investigative process or Student Conduct Review Process.
- (q) The term "Respondent" refers to any student or registered student organization who has been accused of sex discrimination, which includes sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity as defined in Rules of Conduct section UCF-5.008(5) or the Organizational Rules of Conduct section UCF-5.012(5).

- (r) The term “Responsible Employee” is defined as any employee, and Direct Support Organization non-student employee, who is not a confidential employee as defined in the University’s *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy*. Responsible Employees 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 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 Employees on a case-by-case basis.
- (s) 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.
- (t) 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 complicity.
- (u) 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.
- (v) 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).

- (wv) The term “Student Conduct Board” means any person or persons authorized by the Director of SCAI or designee to gather information and make proposed findings regarding whether a student or registered student organization has violated the Rules of Conduct or Organizational Rules of Conduct and to propose sanctions that may be imposed.
- (xw) 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~~Title IX’s sex-discrimination prohibition protects against sexual harassment and sexual violence and extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity, pregnancy or parental status~~ as well as Title IX sexual harassment (defined below).
- (yx) 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 Ricke.
- (zy) The term “University” means the University of Central Florida.
- (aaz) The term “University Community” refers, collectively and individually, to students, University officials, Trustees, and all visitors, contractors, and guests to the University or any of its campuses, facilities or events.
- (bbaa) 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.
- (ccbb) 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.

(~~deed~~) 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.

(~~eedd~~) The term “VP of SDES” refers to the Vice President of Student Development and Enrollment Services.

(~~ffee~~) 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 areas of the UCF campus.

(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 SCAI Rules of Conduct Controlled Substance and Drug Violations and Alcoholic Beverages section and the Organizational Rules of Conduct section.

(6) Student Care Services. 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. Student Care Services staff review referrals from students, faculty, staff and/or other parties 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. Student Care Services staff 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. Student Care Services staff will assist the student in coordinating with campus resources currently being utilized and will work with the student to monitor progress. Depending upon the circumstances, the referring person may receive feedback about the student's action plan. Students have the right to inspect and review all information submitted to Student Care Services.

(7) Student of Concern Team. In order to support student success, the University may utilize additional campus resources to assist the student. This may include collaboration with the Student of Concern Team (SOCT), a multidisciplinary group that reviews potential concerns presented by the UCF community regarding student behavior. The SOCT 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 the Office of Student Rights and Responsibilities and/or Student Care Services.

- (a) The team may enlist the services of various campus units on an as needed basis, including but not limited to Counseling and Psychological Services, Student Health Services, Academic Services, Housing and Residence Life, First Year Advising and Exploration, Student Conduct, and the University of Central Florida Police Department.
- (b) The role of Student Health Services and Counseling and Psychological Services on the Student of Concern Team will be consultative in nature. When the involved student has been a patient or client of either agency, the staff representative 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 or as guided by clinical and licensure best practices.
- (c) Student Care Services staff has additional campus support systems in place to assess students engaging in behavior that may pose a risk to themselves or others. This includes but is not limited to the University Crisis Team, Mandated Assessment Procedure, and Involuntary Withdrawal Procedure.

(8) University Crisis Team. The University may refer students who are viewed to be engaging in behavior(s) that pose risks 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 Assistant Dean of Students or designee will convene the team members in order to review each case and decide on the best course of action. The team is comprised of the following persons and/or their designee(s): Student Health Services Executive Director, Counseling and Psychological Services Director, UCF Police Department Chief, Student Care Services Associate Director, Student Conduct and Academic Integrity Director, Associate Dean for Academic Services, Housing and Residence Life Director, Deputy General Counsel, Assistant Dean of Students and Student Development and Enrollment Services Associate VP and Dean of Students.
- (b) Various campus units may enlist the services of the team. These include but are not limited to Student Accessibility Services, Recreation and Wellness Center, Wellness and Health Promotion Services, Office of Fraternity and Sorority Life, Athletics, Alcohol and Other Drug Intervention Services, Undergraduate Studies, and Graduate Studies.
- (c) The role of the Student Health Services Executive Director and the Counseling and Psychological Services Director on the Crisis Team will be consultative in nature. When possible, the Student Health Services Executive 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 or as guided by clinical and licensure best practices.

(9) 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 regarding a UCF student hospitalization via the Baker Act or the Marchman Act, Student Care Services may utilize the mandated assessment session(s) to evaluate a 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 a Student Care Services staff member 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 Student Health Services psychiatrist, a Counseling and Psychological Services clinician, or a community based licensed mental health professional or licensed psychiatrist of the student's choice. Student Care Services 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 ten (10) business days following release to complete a follow up appointment. Student must provide proof of assessment within twenty (20) business days following release 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.
- (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 Assistant Dean of Students 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.

(10) Involuntary Withdrawal Procedure.

(a) Introduction.

1. The University of Central Florida is committed to ensuring equality of educational opportunity while cultivating an environment that is safe for the campus community and supportive of student learning. The University will seek to intervene where a student's behavior interferes with the rights of others within the University community or where the student presents a significant risk of harm to the health, safety, well-being and/or property rights of others. In such situations, safety and security concerns are paramount, and the University must react as promptly as feasible under the circumstances. University officials may consider a number of reasonable security and health and safety measures, including, but not limited to, requesting emergency assistance and seeking psychiatric evaluation, hospitalization, and treatment for mental illness as appropriate under the law. Additionally, the University may determine that it is necessary for the student to be involuntarily withdrawn from the University for the protection of others. This section outlines the procedures to be used by the University in making an involuntary withdrawal decision.
2. This involuntary Withdrawal Procedure will be applied in a nondiscriminatory manner, and decisions will be based on consideration of the student's conduct, actions, and statements and not on knowledge or belief that the student has a disability.
3. The purpose of the Involuntary Withdrawal Procedure is for the University to be able to take urgent action when circumstances present a Significant Risk based on reasonably available information at the time. It will be necessary for the University to act promptly and for the benefit of the community as a whole, even if that means that, in consideration of later-presented information, the procedure ultimately concludes in favor of the student's continued enrollment (with or without conditions). Where the involuntary withdrawal procedure is invoked but the student is permitted to continue enrollment with no conditions, the University will take reasonable steps to assist the student in resuming their academic endeavors with as little disruption as feasible under the circumstances.

- (b) **Direct Threat.** When a student’s behavior is deemed to pose a direct threat risk to the health and safety of the community, the Associate Vice President and Dean of Students (“Dean of Students”) or their designee may initiate an involuntary withdrawal of the student on behalf of the university. The Dean of Students or designee will consult with the University Crisis Team before a final decision is made on the involuntary withdrawal of the student. A student poses a Direct Threat when the student’s behavior poses a “Significant Risk” to the health or safety of the student or others, or of significant property damage, or of substantial disruption to the lawful activities of others or the educational process or orderly operation of the University, and reasonable modifications of policies, practices, or procedures will not sufficiently mitigate the risk. Significant Risk is defined as the high probability of harm, threats of harm, or disruption and not just a slightly increased, speculative, or remote risk of such. Significant Risk is identified based on information that is reasonably available at the time of consideration. Information may be provided to the University through different means, including an incident report to Office of Student Rights and Responsibilities (OSRR), a police report, information provided following a hospitalization, or any other reliable source.
- (c) **Interim Involuntary Withdrawal.**
1. A student may be involuntarily withdrawn from the University on an interim basis (“Interim Involuntary Withdrawal”) if the Assistant Dean of Students or designee determines, based upon information reasonably available at the time, that the student poses a Direct Threat as defined above. A student will remain on Interim Involuntary Withdrawal pending the outcome of the Interim Involuntary Withdrawal Review. An Interim Involuntary Withdrawal may be imposed prior to a meeting of the University Crisis Team.
 2. A student will be notified of Interim Involuntary Withdrawal through a written notice outlining the Interim Involuntary Withdrawal procedure, including the time, date, and location of the Interim Involuntary Withdrawal Review.
 3. A student under Interim Involuntary Withdrawal shall be given an opportunity to present information to the University Crisis Team within

three (3) business days from the effective date of the Interim Involuntary Withdrawal, to review the following issues only:

- a. The reliability of the information concerning the student's behavior and,
- b. Whether or not the student's behavior poses a Direct Threat, as defined above.

4. If upon conclusion of the Interim Involuntary Withdrawal review, the University Crisis Team determines the student will remain on Interim Involuntary Withdrawal based on the above defined issues, the University Crisis Team will proceed with the Involuntary Withdrawal procedures as outlined below.

(d) Involuntary Withdrawal – Notice to Student. 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 proposed action.
2. The opportunity to examine the psychiatric or other evaluations provided to the University Crisis Team and to discuss them.
3. The opportunity to present relevant information for consideration of his/her case personally, or by a licensed mental 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 to any meetings or proceedings described in this procedure. The advisor may not present on behalf of the student or otherwise participate in the meeting or proceeding.
5. The right to appeal.

(e) Involuntary Withdrawal – Meeting of the University Crisis Team. The Assistant Dean of Students or designee will call a meeting of the University Crisis Team no earlier than five (5) business days after notifying the student of the proposed Involuntary Withdrawal. The student will be notified of the time, date, and location of the University Crisis Team meeting. The student may be present at this meeting and may present information in support of him/herself. Following the student's presentation, the team shall meet in a confidential deliberation. At the conclusion

of this confidential deliberation, the team shall make a recommendation to the Dean of Students or designee, based upon the Team's review of all available information at the time of the meeting, as to whether the University should:

1. involuntary withdraw the student due to Direct Threat;
2. make no changes to the student's status;
3. allow continued enrollment with conditions; or
4. if the student is on Interim Involuntary Withdrawal at the time, reinstate the student with or without conditions.

(f) Involuntary Withdrawal – Notifying Student of Recommendation and Decision. The Dean of Students or designee will make a final decision regarding the student's enrollment status based on the totality of information available to the University and considering both the University Crisis Team's recommendation and any information presented by the student. The Dean of Students or designee will notify the student in writing within two business days of the final decision regarding the student's enrollment status.

(g) Involuntary Withdrawal – Appeal. In the event a student disagrees with the decision of the Dean of Students or designee, the student may appeal the decision. 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. A student may appeal the decision based on one or more of the following criteria:

1. Irregularities in fairness and stated procedures that could have affected the outcome of the decision.
2. Discovery of new and significant information that could have affected the outcome and that was not known or could not reasonably have been discovered and/or presented at the time of the meeting.
3. The outcome is extraordinarily disproportionate to the reported behavior.

The Vice President of SDES or designee, shall, within three (3) business days, sustain the initial decision or return the case to the University Crisis Team for re-consideration. The Vice President's decision to sustain the initial decision is final action. If the matter is returned for re-consideration, the process will resume at the step outlined in subsection (e), above.

- (h) Upon being involuntarily 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, and may not be employed by UCF. Additionally, an involuntarily withdrawn student may be entitled to whatever refunds of tuition, fees, and room and board charges as would be appropriate given the timing of the withdrawal.
- (i) 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 Dean or Students 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 is ready and able to safely return to the University and does not pose a Direct Threat as defined above. . In cases where the Dean of Students or designee has imposed other conditions for readmission, it is the responsibility of the student to provide documentation of compliance with such conditions.
- (j) A student who is considered for but ultimately not subject to Involuntary Withdrawal may be subject to conditions on continued enrollment at the University. In such cases, the student will be provided with a written summary of any such conditions and must meet all conditions in order to maintain student status. A student who fails to meet such conditions may be later subject to involuntary withdrawal by the Dean of Students or designee or may be subject to charges through the University's Student Conduct Review Process for failure to comply.
- (k) The current voluntary medical withdrawal process should not be used to handle withdrawals where a Direct Threat is evident or where a violation of the Rules of Conduct has allegedly occurred. Information for students seeking a medical withdrawal is available in the Catalog.
- (l) As a general principle, the University prefers to use the Student Conduct Review Process in instances of misconduct, without regard to whether the student has a physical or mental condition that might be contributing to the misconduct. The Involuntary Withdrawal Procedure is to be employed in those situations in which

the regular Student Conduct Review Process is not applicable or, due to safety concerns, cannot be applied in a sufficiently timely fashion.

(11) ~~Title IX Policy and Procedure.~~Student Conduct Review Procedures for Sex-Based Misconduct (Non-Title IX Sexual Harassment).

~~(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. Title IX prohibits sex discrimination against students, staff and faculty— which includes acts of sexual misconduct, stalking and relationship violence. Title IX also prohibits retaliation for making a good faith report of sex discrimination or participating in or being a party to any proceeding involving sexual misconduct and/or interpersonal violence. A closely related federal law, Section 304 of the Violence Against Women Act (“Campus SaVE 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 wide prevention education and awareness programming.~~

~~(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 (12) below).

(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 (12) 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://letsbeclear.ucf.edu>.
- (d) The University strives to promote the safety and well-being of all students and employees. 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 (12) below). These rights provide a fair process for both parties ~~while also ensuring Complainant’s protections under Title IX and the Campus SaVE Act.~~ 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:
1. 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 will not represent the Complainant or Respondent, address witnesses, investigator(s), the hearing body, any other party, or otherwise directly participate throughout the university’s investigative process and/or student

conduct review process. In addition, if the selected person is a witness, the person cannot be an advisor or support person.

2. Both the Complainant and the Respondent have the right to remedial and protective measures and shall be notified of available assistance at the University.
3. 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, both the Complainant and Respondent will receive notice to attend a preliminary conference meeting with SCAI and be informed of the available resolution options in the student conduct review process.
5. During the Student Conduct Review Process, both the Complainant and Respondent shall be informed of the Administrative Hearing Officer assigned to the case and shall have the opportunity to challenge the impartiality of the individual within three (3) business days of notification.
6. Both the Complainant and Respondent will be afforded similar and timely access to any information made available through the investigative process and/or that will be used during the student conduct review process.
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 body officer. During a formal hearing, all questions shall be asked through the hearing body 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.

8. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during the investigative 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 ~~the Deputy Title IX Coordinator for Students for review~~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 ~~body~~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 ~~body~~ officer in proposing a sanction. Therefore, the statement(s) will be given to the hearing ~~body~~ officer for consideration only if the hearing ~~body~~ officer makes a proposed finding of in violation on one or more allegations of sex-based misconduct (other than Title IX sexual harassment)~~sexual misconduct and/or interpersonal violence~~ addressed in the formal hearing.

12. 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;~~in accordance with federal guidelines.~~
13. Both the Complainant and the Respondent have the right to appeal the outcome of the Student Conduct Review Process on the base~~s~~ s outlined in the applicable Student Conduct Appeals section UCF-5.010 (individual student) or UCF-5.013 (registered student organizations).
14. Both the Complainant and Respondent will be given periodic status updates throughout the investigative process and the Student Conduct Review Process.

(~~fg~~) Administrative hearing officers ~~and panel members~~ who hear cases of sex-based misconduct (other than Title IX sexual harassment) ~~discrimination (including sexual harassment, sexual misconduct, stalking, and/or relationship violence)~~ receive annual training on how to conduct fair and impartial hearings for these types of cases.

(12) 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 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, _____-20.