

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: September 29, 2015

REGULATION TITLE:
Office of Student Conduct; Scope; Definitions;
Student Conduct Records

REGULATION NO.:
UCF-5.007

SUMMARY OF REGULATION AMENDMENT: This regulation is amended to include new definitions and revise some of the existing definitions necessary for revisions to the sexual misconduct procedures. Additional minor revisions, including definitions, made throughout.

AUTHORITY: BOG Regulations 1.001 and 6.0105

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:
Michael Gilmer, Director of Student Conduct

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:

Regulations Administrator
4365 Andromeda Loop North
Millican Hall, Suite 360
Orlando, FL 32816-0015
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FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-5.007 Office of Student Conduct; Scope, Definitions; Student Conduct Records

(1) Scope

- (a) The Rules of Conduct shall apply to all undergraduate students, graduate students and students pursuing professional studies, including those attending its regional campuses and/or off campus instructional sites. The Rules of Conduct shall be deemed a part of the terms and conditions of admission and enrollment of all students. The right of all students to seek knowledge, debate ideas, form opinions,

and freely express their ideas is fully recognized by the University of Central Florida. The Rules of Conduct apply to student conduct and will not be used to impose discipline for the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in other University regulations or policies.

- (b) These Rules of Conduct apply to all student conduct that occurs on University premises, as defined below; or at activities officially approved by the University of Central Florida or which are sponsored or conducted by University groups and organizations, regardless of location.
- (c) Off-Campus Conduct. The University may take action against a student for off-campus conduct if the conduct is specifically prohibited by law or the Rules of Conduct; or if the conduct poses (or demonstrates that the student's continued presence on University premises poses) a danger to the health, safety or welfare of the University community; or if the conduct is disruptive to the orderly processes and functions of the University.
- (d) Failure to comply with duly established laws or University regulations may subject violator(s) to appropriate civil authorities.

(2) Authority

- (a) The Florida Board of Governors Regulation 6.0105 requires each university to establish a Student Disciplinary System, including a code of conduct, to apply to student disciplinary proceedings.
- (b) These regulations are designed to ensure fairness and due process in student disciplinary proceedings.
- (c) Generally, authority necessary to enforce the student conduct regulations is vested in the Vice President for Student Development and Enrollment Services or designee. Selected functions of this authority are shared with faculty, staff and students. Some functions of student conduct administration are assisted through review boards or committees.

(3) Violations of Law and Rule of Conduct Violations. A student who commits offenses against the laws of municipalities, states, or the United States, is subject to prosecution by those authorities and may be subject to disciplinary action under University rules when the conduct

violates institutional standards. Student shall not be forced to present self-incriminating evidence; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal case. The Student Conduct Review process is not a criminal or judicial proceeding and is designed to address student behavior; therefore, alleged violations of the Rules of Conduct will be addressed independently of any penalty imposed by the courts for the criminal offense.

(4) Definitions

- (a) The term “Academic Integrity Panel” is comprised of two faculty members and two students selected from the Student Conduct Board. Members of this panel will receive training annual on how to conduct an investigation related to academic misconduct.
- (b) The term “Advisor” or “Support Person” refers to the person asked to assist and/or accompany the student or student organization of the charged students or organization’s choice who may assist and/or accompany the charged student throughout the Student Conduct Review Process but shall not speak for or present the case on behalf of the student or student organization charged student or organization.
- ~~(c) The term “Charged student” means any student that is charged with a violation of the Rules of Conduct.~~
- (dc) 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 Department 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 most recently amended by the Violence Against Women Reauthorization Act of 2013.
- (d) The term “Complainant” refers to anyone who reports having been subject to sexual misconduct.

- (e) 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).
- (f) The term “Dating Violence” is defined as violence or threat of such violence to an individual committed by a student who is or has been in a romantic or intimate relationship with said individual.
- ~~(fg)~~ The term “Director of the ~~OSRR~~OSRROSC” refers to the Director of the Office of Student ~~Rights and Responsibilities~~Conduct.
- (h) The Director of the OSRR refers to the Director of the Office of the Student Rights and Responsibilities.
- ~~(gi)~~ The term “Disciplinary Sanction Review Committee” is a committee composed of an equal number of faculty/staff and students appointed by the Director of the ~~OSRR~~OSRROSC to review the disciplinary probation/suspension status of a student.
- ~~(hj)~~ The term “Hold” refers to a service indicator placed on a student’s record.
- ~~(k)~~ The term “Off campus” refers to any location not defined as University premises.
- ~~(jl)~~ The term “Overlay” refers to a notification on a student’s university transcript that states the student is not in good standing.
- ~~(km)~~ 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.
- ~~(ln)~~ The term “Record Sealing” refers to when a student’s disciplinary record cannot be examined except by a court order or designated officials.
- (o) The term “Respondent” refers to any student or student organization accused of sexual misconduct.
- (p) The term “Responsible Employee” is defined as a university employee who has the authority to redress sexual misconduct or the duty to report incidents of sexual misconduct or is someone a student could reasonably believe has this authority or duty.

- (mq) The term “Sanction” refers to outcome(s) imposed on students or student organizations found in violation of any Rules of Conduct or Organizational Rules of Conduct of ~~this~~the University.
- (nr) The term “Student” means any person enrolled in one or more classes at the University, ~~either~~whether full time or part time, study abroad students, on-line students, students pursuing undergraduate, graduate or professional studies, whether 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, or who have been notified of their acceptance for admission are considered “students”.
- (es) The term “Student Conduct Board” means any person or persons authorized by the Director of the OSRROSC or designee to gather information and make proposed findings regarding whether a student has violated the Rules of Conduct and to propose sanctions that may be imposed. Board members are selected through an annual application and interview process with the exception of the justices from the Student Government Association Judicial Council. All Student Conduct Board members, including justices, receive training from the Office of Student Conduct. Student Conduct Board members who serve on hearings related to allegations of domestic violence, dating violence, sexual assault, and sex-related stalking will receive additional training annually. They will be trained on how to conduct an investigation and hearing process that protects the safety of ~~victims~~Complainants and promotes accountability.
- (pt) 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”. 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. Other examples of the types of discrimination that are covered under Title IX include the failure to provide equal opportunity in athletics; discrimination in a school's science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy and parental status.

(u) 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, which prohibits sex discrimination in all the operations of this College, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

~~(qv)~~ The term "University" means the University of Central Florida.

~~(fw)~~ 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.

~~(sx)~~ 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.

~~(ty)~~ The term "University premises" includes all land, buildings, facilities, and other properties in the possession of or owned, used, or controlled by the University.

~~(uz)~~ The term "VAWA" refers to the Violence Against Women Reauthorization Act of 2013, amended the Violence Against Women Act and the Clery Act to provide new requirements for schools to prevent and respond to sexual violence, domestic violence, dating violence, and stalking. Some of these requirements include providing primary prevention education and awareness programs for all incoming students and employees; collecting statistics on domestic violence, dating 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. The updates are sometimes referred to as Campus Sexual Violence Elimination Act or Campus SaVE Act.

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

(~~w~~bb) The term “Witness” refers to an individual who is in the proximity of an incident and viewed the actions of said incident or who has relevant information about a given incident or who has relevant information about a given incident or actions related to a specific incident.

(5) Student Conduct Records

(a) Maintenance of Records. A student’s conduct case record will be maintained in the Office of Student Conduct. The case record of a student found responsible for charge(s) against them, with sanctions less than suspension or expulsion, will generally be maintained in the Office of Student Conduct for seven years from the calendar year of record, after which they are destroyed. The case record of a student who has been placed on Disciplinary Suspension or Expulsion will be permanently maintained as official records by the Office of Student Conduct.

(b) Release of Records. The release of student disciplinary records will be governed by applicable federal and state laws regarding the privacy of educational records.

(6) Evaluation of Student Conduct Review Process. The Student Conduct Review Process will be evaluated periodically by a committee, which shall be composed of students and staff members of the university.

Authority: BOG Regulations 1.001 and 6.0105. History - Formerly 6C7-5.0041, New 6-18-09. Amended 9-5-13, 11-20-14, _____-15.