

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: August 26, 2022

REGULATION TITLE:
Rules of Conduct

REGULATION NO.:
UCF-5.008

SUMMARY OF REGULATION AMENDMENT: This regulation sets out the student rules of conduct. The proposed amendments serve to: include the updated definition of harassment as proposed in UCF-3.001 Non-Discrimination; Affirmative Action Programs; update the definition of stalking (pursuant to Title IX and VAWA); and reorganize sexual exploitation offenses to be consistent with the University's Nondiscrimination Policy. The revisions also propose the removal of a prohibition on condoning, encouraging, or failing to intervene; and the addition of a provision related to aiding and abetting the misconduct of others.

AUTHORITY: BOG Regulations 1.001 and 6.0105

NAME OF PERSON 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 North
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-5.008 Rules of Conduct

The following defined and described actions include, but are not limited to, conduct for which disciplinary action may be taken at the University of Central Florida. Students are responsible for the observation of all University policies and regulations. Each student is expected to abide by these rules of conduct, and administrators are expected to enforce them. These Rules of Conduct should be read broadly and are not designed to define prohibited conduct in exhaustive terms. Additional rules and regulations may be revised during the year; announcements will be made on adoption of the changes or additions. The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by the University

of Central Florida. The Rules of Conduct apply to student conduct and will not be used to impose discipline for the lawful expression of ideas. Students are prohibited from engaging in:

(1) Academic Misconduct

- (a) Unauthorized assistance: Using or attempting to use unauthorized materials, information or study aids in any academic exercise unless specifically authorized by the instructor of record. The unauthorized possession of examination or course related material also constitutes cheating.
- (b) Communication to another through written, visual, electronic, or oral means. The presentation of material which has not been studied or learned, but rather was obtained through someone else's efforts and used as part of an examination, course assignment or project.
- (c) Commercial Use of Academic Material: Selling of course material to another person and/or uploading course material to a third-party vendor without authorization or without the express written permission of the University and the Instructor. Course materials include but are not limited to class notes, Instructor's power points, tests, quizzes, labs, instruction sheets, homework, study guides, and handouts.
- (d) Falsifying or misrepresenting the student's own academic work.
- (e) Plagiarism: Whereby another's work is used or appropriated without any indication of the source, thereby attempting to convey the impression that such work is the student's own.
- (f) Multiple Submissions: Submitting the same academic work for credit more than once without the express written permission of the instructor.
- (g) Any student who knowingly helps another violate academic behavior standards is also in violation of the standards.
- (h) Soliciting assistance with academic coursework and/or degree requirements. The solicitation of assistance with an assignment, lab, quiz, test, paper, etc., without authorization of the instructor of record or designee is prohibited. This includes but is not limited to asking for answers to a quiz, trading answers, or offering to pay another to complete an assignment. It is considered Academic Misconduct to solicit assistance with academic coursework and/or degree requirements, even if the solicitation did not yield actual assistance (for example, if there was no response to the solicitation).

(2) Possessing and/or Providing False and Misleading Information and/or Falsification of University Records

- (a) Withholding related information or furnishing false or misleading information (oral or written) to University officials (faculty or staff) or law enforcement officers.
- (b) Possession, use or attempted use of any form of fraudulent identification, including the credentials or identification of another individual.
- (c) Forgery, alteration, or misuse of any University document, material, file, record, or instrument of identification.
- (d) Deliberately and purposefully providing false or misleading verbal or written information about another person.
- (e) Falsification, distortion, or misrepresentation of information during an investigation or the Student Conduct Review Process, including knowingly initiating a false complaint.

- (f) Fraud: Any act of deceit or misrepresentation for purposes of financial or personal gain.

(3) Disruptive Conduct

- (a) Any act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof or the rights of one or more individuals.
- (b) Any act which deliberately impedes or interferes with the normal flow of pedestrian and vehicular traffic.
- (c) Any act which intentionally interferes with the election processes of any University registered student organization or sponsored student group.
- (d) Misuse of any University safety equipment, firefighting equipment, or fire alarms.
- (e) A false report of an explosive or incendiary device, which constitutes a threat or bomb scare.
- (f) Breach of peace: an act, which aids, abets, or procures another person to breach the peace on the University premises or at University sponsored/related functions.
- (g) Failure to comply with oral or written instruction from duly authorized University officials (i.e. faculty, staff, administration, residence hall staff) acting within the scope of their job duties or law enforcement officers acting in the performance of their duties, including failure to produce identification to these persons when requested to do so.
- (h) Failure to produce identification upon request by a University official (i.e. faculty, staff, administration, residence hall staff), acting within the scope of their job duties or law enforcement officers acting in the performance of their duties.
- (i) Hindering, noncompliance, or interfering with the student conduct review process by failing to obey the notice from a university official to appear for a student conduct meeting or hearing; and/or attempting to discourage an individual's proper participating in, or use of, the student conduct review process.
- (j) Violation of any other University regulation or policy as described in the UCF Regulations, UCF Policies and Procedures, or University department publicized policy.
- (k) Failure to comply with applicable law and University regulations and procedures for solicitation and fundraising activities on campus.

(4) Harmful Behavior

- (a) Physical harm or threat of physical harm to any person. This harmful behavior policy may not apply in those instances where it is found that a student is acting in self-defense.
- (b) Verbal, digital, or written abuse, threats, intimidation, coercion and/or other conduct that endangers the health, safety, or wellbeing of others, or which would place a reasonable person in fear of bodily injury or death. This definition, however, shall not be interpreted to abridge the rights of the University community to freedom of expression protected by the First Amendment of the United States Constitution and any other applicable law.
- (c) ~~Discriminatory-Unlawful~~ Harassment: ~~Discriminatory-Unlawful~~ harassment consists of ~~verbal, physical, electronic or other~~ conduct based upon an individual's race, color, ethnicity, national origin, religion, non-religion, age, genetic information, sex (including pregnancy and parental status), gender identity or expression, or sexual orientation), marital status, physical or mental disability

(including learning disabilities, intellectual disabilities, and past or present history of mental illness), veteran's status (as protected under the Vietnam Era Veterans' Readjustment Assistant Act), or membership in other protected classes set forth in state or federal law, a protected class as defined in University Policy 2-004, or membership in other protected classes set forth in state or federal law that interferes with that individual's educational or employment opportunities, participation in a university program or activity, or receipt of legitimately requested services and the conduct meets the description of either Hostile Environment Harassment or Quid Pro Quo Harassment, as defined in the University's Nondiscrimination Policy (No. 2-004) Prohibition of Discrimination, Harassment, and Related Interpersonal Violence.

- (d) Bullying: Defined as behavior of any sort (including communicative behavior) directed at another, that is severe, pervasive or persistent, and is of a nature that would cause a reasonable person or group in the target's position substantial emotional distress and undermine their ability to work, study, or participate in University life or regular activities, or which would place a reasonable person in fear of injury or death.
- (e) ~~Stalking: Defined as behavior not of a sexual nature that is repeated and/or unwanted toward or with another person that would cause a reasonable person to fear for their safety or the safety of others, or to experience substantial emotional distress. Such conduct is direct, indirect, or through a third party using any type of action, method, or means. Cyber stalking is also included in this definition.~~
- (f) Invasion of Privacy and Unauthorized Recording.
 - 1. Making, using, disclosing or distributing a recording of a person in a location or situation in which that person has a reasonable expectation of privacy and is unaware of the recording or does not consent to it; and any other conduct that constitutes an invasion of the privacy of another person under applicable laws and regulations. Such conduct includes, without limitation, unauthorized recording of personal conversations, images, meetings ~~or~~ activities, or surreptitiously or covertly surveilling or observing an individual.
 - 2. Unauthorized recording of class activity (other than class lecture), or of meetings where there exists a legal expectation of privacy, and/or any unauthorized publication of a recording.
 - ~~3. Engaging in acts of voyeurism, including but not limited to peeping or surreptitiously recording another when there is a reasonable expectation of privacy.~~
 - 34. Any notice, consent, or other requirements under applicable laws and regulations must be fulfilled in connection with authorizing, making, using, disclosing, or distributing any recording, where there is a legal expectation of privacy.
- (g) Retaliation against or harassment of complainant(s), other person(s) alleging misconduct, or anyone who participates in an investigation.
- (h) ~~Condoning or encouraging acts of harmful behavior as defined above or failing to intervene during an act of harmful behavior while it is occurring.~~

(5) Sex-Based Misconduct (Non-Title IX Sexual Harassment)

- (a) Sexual Assault. Sexual assault means sexual contact without consent.

- (b) Sexual Harassment. Sexual harassment means any unwelcome sexual advances, request for sexual favors, or other unwanted verbal, graphic or physical conduct of a sexual nature, ~~whether verbal, non-verbal, graphic, physical, or otherwise,~~ when the conditions for Hostile Environment Harassment or Quid Pro Quo Harassment ~~Discriminatory Harassment~~ as defined in UCF's Nondiscrimination Policy (No. 2-004) are present.
- (c) Gender-Based Harassment: Gender-based harassment is ~~discriminatory-unlawful~~ harassment that is based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal ~~or non-verbal~~, graphic, or physical, ~~or otherwise~~, even if the acts do not involve conduct of a sexual nature, when the conditions for Hostile Environment Harassment or Quid Pro Quo Harassment ~~Discriminatory Harassment~~ as defined in UCF's Nondiscrimination Policy (No. 2-004) are present.
- ~~(d) — Obscene or Indecent Behavior: Exposure of one's body in such a manner that another party reasonably could be offended or to display sexual behavior which another person reasonably finds offensive.~~
- ~~(e) — Voyeurism: Trespass, spying, or eavesdropping for the purpose of sexual gratification.~~
- ~~(f) — Solicitation of a Minor: soliciting sexual acts from a minor by oral, written, or electronic means.~~
- ~~(g) — Child Pornography: possessing, producing or the dissemination of child pornography~~
- ~~(dh) Relationship Violence: Relationship Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Relationship Violence includes "dating violence" and "domestic violence", as defined by the Violence Against Women Reauthorization Act of 2013. ~~may include sexual assault, stalking, and physical assault. Relationship Violence may involve a pattern of behavior used to establish power and control over another person through fear and intimidation or may involve one-time conduct. A pattern of behavior is typically determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person. This behavior can be verbal, emotional, and/or physical and may be directed towards the former partner, their property, or other individuals. Examples of Relationship Violence may include, but are not limited to: slapping; pulling hair; punching; damaging another person's property; driving recklessly to scare someone; name calling; humiliating another person in public; harassment directed toward a current or former partner or spouse; and/or threats of abuse, such as threatening to hit, harm, or use a weapon on another (whether Complainant or acquaintance, friend, or family member of the Complainant), or other forms of verbal threats.~~~~
- ~~(ei) Stalking: Stalking under this provision occurs when a person engages in a course of conduct of a sexual nature that is directed at a specific person under circumstances that would cause a reasonable person to fear for the person's safety or the safety of others, or to experience substantial emotional distress. A "course of conduct" is two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device,~~

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

- (f) Sexual Exploitation: -Sexual Exploitation is purposely or knowingly doing or attempting to do any of the following:
1. Exposing of one's body in such a manner that another party reasonably could be offended or to display sexual behavior which another person reasonably finds offensive;
 2. Voyeurism, including trespassing, spying, or eavesdropping for the purpose of sexual gratification;
 3. Soliciting sex acts from a minor by oral, written, or electronic means;
 4. Possessing, producing, or disseminating child pornography;
 5. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
 6. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
 7. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
 8. Subjecting another person to human trafficking; or
 9. Exposing another person to a sexually transmitted infection or virus without the other's knowledge.
- ~~1. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;~~
- ~~2. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;~~

- ~~3. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);~~
- ~~4. Subjecting another person to human trafficking; or~~
- ~~5. Exposing another person to a sexually transmitted infection or virus without the other's knowledge.~~

(gk) Any attempted acts of sex-based misconduct are also violations of this policy.

(6) Title IX Sexual Harassment

- (a) Title IX Sexual Harassment is defined as any conduct ~~on the basis of sex~~ which occurs (i) on or after August 14, 2020; (ii) against a person located in the United States; and (iii) in or as part of the University's education program or activity, which satisfies one or more of the following:
1. Unwelcome conduct of a sexual nature that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.
 2. ~~Sexual assault~~ (as defined in the Clery Act), which includes any sexual contact that occurs without consent (consent and sexual contact are defined in UCF-5.006(3)).
 3. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any act of violence or threatened act of violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
 4. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under Florida statute or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Florida.
 5. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.
- (b) Retaliation, including but not limited to conduct meant to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972, ~~or~~ its implementing regulations, or UCF Policy 2-012.

(7) Larceny/Property Damage

- (a) Unauthorized use, possession, or theft of property or service. Such property may be personal or public.

- (b) Damaging or defacing of University property or the property of another person whether or not it is on University premises.
- (c) Misuse, tampering with, or damaging fire safety or other safety equipment.

(8) Hazing

- (a) Hazing is any action or situation that recklessly or intentionally endangers the mental or physical health and/or safety of a student for purposes including but not limited to: initiation or admission into, association or affiliation with, any registered student organization or other group whether or not officially recognized by the University. Hazing in violation of Florida Statutes may result in felony charges. A student may commit an act of hazing whether the student is a prospective, current, or former member of the organization or group. The actions of active, associate, new and/or prospective members, former members, or alumni of a student organization or group may be considered hazing under this rule.
- (b) Hazing includes brutality of a physical nature such as whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food, liquid, liquor, drug, or other substances; or other forced elements; or other forced activity which could adversely affect the mental or physical health or safety of the individual.
- (c) Hazing includes any activity which could subject the individual to extreme mental stress such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or any other activity that could adversely affect the mental health or dignity of the individual.
- (d) Hazing includes forcing, pressuring, or coercing, the student into violation of University policies or federal, state, or local law.
- (e) Hazing includes soliciting a person to commit or being actively involved in the planning of any act of hazing as defined above where the act of hazing creates a substantial risk of physical injury or death to the person(s) hazed.
- (f) It is not defense to an allegation of hazing that:
 - 1. the consent of the victim had been obtained;
 - 2. the conduct or activity that resulted in the death or injury of a person was not part of any official organizational event or otherwise sanctioned or approved by the student organization; or
 - 3. the conduct or activity that resulted in the death or injury of a person was not done as a condition of membership into a student organization.
- (g) Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

(9) Misuse or Unauthorized Use of Facilities and Grounds

- (a) Misuse or unauthorized use of classroom or laboratory facilities, or University property (as defined by University Regulation UCF-4.036).
- (b) Abusing grounds or building structures including, but not limited to ramps, rails, stair sets and entryways by means of recreational cycling, skating, scootering, or other recreational activities or devices as outlined in University Regulation UCF-4.036.
- (c) Unauthorized entry or attempted entry to any University property (as defined by University Regulation UCF-4.036).

- (d) Unauthorized possession, duplication or use of keys to any University property (as defined by University Regulation UCF-4.036).

(10) Misconduct at University Sponsored/Related Activities

- (a) Violation of the UCF Rules of Conduct at any UCF sponsored or related activities.
- (b) Violations of a regulation(s) of a host institution sponsored/related activity shall be a violation of the golden rule.

(11) Controlled Substance and Drug Violations

- (a) Possessing, consuming, or attempting to possess cannabis in any amount.
- (b) Cultivating, manufacturing, or attempting to obtain cannabis in any amount.
- (c) Possessing, consuming, cultivating, manufacturing, or attempting to possess any controlled substances other than cannabis, except as expressly permitted by law.
- (d) Selling or distributing cannabis or any other controlled substances other than alcohol.
- (e) Possessing or attempting to possess any drug-related paraphernalia.
- (f) Misconduct under the influence of controlled substance(s) and/or drugs other than alcohol.

NOTE: Students who receive medical attention due to drug related emergencies and/or students who call for help on behalf of another student who may be experiencing a drug related emergency may be exempt from disciplinary action. Information regarding exemptions under this rule for drug related emergencies can be found in University Regulation UCF-5.007 and the Student Conduct and Academic Integrity website: <http://scai.sdes.ucf.edu/medicalemergencies> .

(12) Alcoholic Beverage Violations

- (a) Possessing or consuming alcoholic beverages, or possessing or using alcohol-related paraphernalia, except as expressly permitted by the law and University Regulations and/or Policies.
- (b) Selling or distributing alcoholic beverages or alcohol-related paraphernalia, except as expressly permitted by law and University Regulations and/or Policies
- (c) Misconduct under the influence of alcohol

NOTE: Students who receive medical attention due to drug related emergencies and/or students who call for help on behalf of another student who may be experiencing a drug related emergency may be exempt from disciplinary action. Information regarding exemptions under this rule for drug related emergencies can be found in University Regulation UCF-5.007 and the Student Conduct and Academic Integrity website: <http://scai.sdes.ucf.edu/medicalemergencies>.

(13) Possession of Weapons and/or Dangerous Materials

- (a) The possession, use, or storage of weapons on property owned or controlled by the University or at events sponsored and/or supported by the University is prohibited, except as specifically outlined in University Policy 3-119.1 (Weapons on University Property and at University Events).
- (b) Possession or use of fireworks of any description, explosives, or chemicals which are disruptive, explosive, or corrosive are prohibited on University premises or at University sponsored/related activities.

(14) Instigation or Participation in Group Disturbances during Demonstrations, Parades, or Picketing

- (a) Participation in a demonstration(s), parade(s), or picketing which invades the rights of others, which interferes with the -function(s) of the University, or which jeopardizes public order and safety.
- (b) Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

(15) Misuse of Computing and Telecommunications Resources

- (a) Theft or other abuse of computer facilities and resources
- (b) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- (c) Unauthorized transfer of a file.
- (d) Use of another individual's identification and/or password.
- (e) Use of computing facilities and telecommunications resources to interfere with the work of another student or of a faculty or staff member.
- (f) Use of computing facilities and telecommunications resources to send obscene materials.
- (g) Use of computing facilities and telecommunications resources to interfere with normal operation of the University computing system.
- (h) Use of computing facilities and telecommunications resources in violation of copyright laws.
- (i) Any violation of the University of Central Florida Use of Information Technology and Resources Policy (UCF Policy 4-002), including a violation of the terms and conditions of any third party computing system.
- (j) Any violation of the University of Central Florida ResNet Acceptable Use Policy.

(16) Gambling

- (a) Play in an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a student or registered student organization.
- (b) Unlawfully sell, barter or dispose of a voucher or any item for participation in a scheme of chance by whatever name on University premises or at any affair sponsored by a student or registered student organization.
- (c) Wager on a University team or organization in a competition, with a direct influence in the success of the competition.

(17) University Wordmark Violations. Unauthorized use of the official University wordmark, Pegasus, monogram, seal, or other graphic identity symbol.

(18) Violation of Local, State, and/or Federal Laws. Violation of any local, state and/or federal law that may result in a felony or misdemeanor.

(19) Aiding and Abetting Complicity: Aiding and abetting Complicity is any act taken with the purpose of aiding ~~or~~, facilitating, ~~promoting or encouraging~~ the commission of an act prohibited by the Rules of Conduct.

Authority: BOG Regulations 1.001 and 6.0105. History –Formerly 6C7-5.0042, New 6-18-09, Amended 7-19-12, 9-5-13, 11-20-14, 10-29-15, 7-28-16, 7-20-17, 1-18-18, 7-19-18, 7-18-19, 6-18-20, 10-22-20, 12-3-20, 9-23-21, _____-22.