

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: August 20, 2021

REGULATION TITLE:

Scope; Authority; Principles of Student Group
Responsibility; Violations of Law and Rule of Conduct
Violations; Conduct Records; Medical Emergencies

REGULATION NO.:

UCF-5.011

SUMMARY OF REGULATION AMENDMENT: This regulation lays out the scope of and authority for the student conduct process as to registered student organizations. This regulation has been amended to change the title of the regulation to clarify the application to student organizations and to clarify that the university may investigate allegations that student organizations have violated the student organizational rules of conduct and briefly describing the steps.

AUTHORITY: BOG Regulations 1.001 and 6.0105

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:

Michael Gilmer, Director of Student Conduct and Academic Integrity

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
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FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-5.011- Scope; Authority; Principles of Student Group Responsibility; Violations of Law and Organizational Rules of Conduct Violations; Conduct Records; Medical Emergencies (Alcohol & Drugs)

(1) Scope

- (a) The organizational conduct regulations (UCF-5.011, 5.012, and 5.013) shall apply to all registered student organizations, including those at its regional campuses and/or at off campus instructional sites, and shall be deemed a part of the terms and conditions of registered student organization registration. 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, including when students come together as a group.

- (b) The Organizational Rules of Conduct apply to all registered student organizations for conduct that occurs:
 - 1. On University premises; or
 - 2. During or while participating in University and/or organization sponsored or related activities; or
 - 3. During school sessions, holidays, breaks, and university closures; or
 - 4. Against students or non-students.
- (c) The University may take action against a registered student organization for off-campus conduct if the conduct is specifically prohibited by law or the Organizational Rules of Conduct; or if the conduct poses (or demonstrates that the student organization's continued recognition at the University 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.

(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. The Florida Board of Governors Regulation 6.021 requires each university to establish an anti-hazing policy as part of the student code of conduct.
- (b) These regulations shall ensure a fair and impartial process in registered student organizational disciplinary proceedings and guarantee the integrity of the university.
- (c) Generally, authority necessary to enforce the organizational ~~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 the conduct process ~~student conduct administration~~ are assisted through review boards.

(3) Definitions. Definitions for terms used in this section, as well as in the Organizational Conduct Review Process, are located in UCF-5.006(3).

(4) Principles of Student Group Responsibility.

- (a) Any registered student organization can be held responsible for its actions or the actions of a collection of its members acting together. Misconduct on the part of an individual member(s) may not automatically be sufficient to initiate the Organizational Conduct Review Process.
- (b) Students may be held accountable as individuals under the Rules of Conduct for their conduct, whether the students are acting in an individual capacity or the students are acting as a member of a registered student organization.
- (c) The following criteria will be used to determine if a registered student organization can be held responsible for the actions of one or more individuals when those actions result in a violation of the Organizational Rules of Conduct:
 - 1. A violation arises out of an organization-sponsored, financed, or otherwise sanctioned activity or event, where the organization provided the context for the violation.
 - 2. A pattern of individual violations has occurred and/or continues to occur within the organization without adequate control, response, or disciplinary

action on the part of the registered student organization or its executive board members or officers.

3. The action resulting in the violation has received either the implied or overt consent of the registered student organization or any executive board members or officers of the registered student organization.
 4. The registered student organization or any executive board member or officer of the registered student organization fails to report and take reasonable action against invitees/members responsible for the Organizational Rules Conduct violation.
 5. The registered student organization overtly places or implicitly allows active members of the registered student organization to be in a position to act on behalf or with authority of the organization.
 6. The registered student organization chooses to protect one or more individual offenders who are active members of the registered student organization from official actions.
- (d) Should a reported incident occur where an organization is named as allegedly violating an Organizational Rule of Conduct, the University may ~~hold conduct~~ an investigation to gather facts to help provide further context to the original complaint. The investigative process may include administering surveys to organization members and/or conducting interviews with persons associated with or believed to have knowledge about the reported incident. An investigative report will be drafted containing findings. Next steps following the investigation may be to close the case, request more information, or initiate a disciplinary proceeding.

(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 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 the law enforcement officials or Student Conduct and Academic Integrity (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 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 SCAI Rules of Conduct Controlled Substance and Drug Violations and Alcoholic Beverages section and the Organizational Rules of Conduct section.

- (a) Alcohol Emergencies - University Expectations for Student Groups. Student groups may be eligible for exemptions from disciplinary action when a representative of an organization at a student group event calls for emergency assistance on behalf of a person experiencing an alcohol related emergency. Student groups that seek medical assistance for alcohol emergencies may receive exemption for violations of the Organizational Rules of Conduct Section UCF-5.012 6(a)-6(f); however, exemption for other Organizational Rule of Conduct violations may not be granted. Student groups may be eligible for this exemption on a case-by-case basis at the discretion of the Director of SCAI. Additional information regarding alcohol emergencies can be found at the SCAI website.

- (b) Drug-Related Emergencies - University Expectations for Student Groups. Student groups may be eligible for exemptions from disciplinary action when a representative of an organization at a student group event calls for emergency assistance on behalf of a person experiencing a drug-related emergency. Student groups that seek medical assistance for drug-related emergencies may receive exemption for violations of the Organizational Rules of Conduct Section UCF-5.012 7(a)-7(d); however, exemption for other Organizational Rule of Conduct violations may not be granted. Student groups may be eligible for this exemption on a case by case basis at the discretion of the Director of SCAI. Additional information regarding drug-related emergencies can be found at the SCAI website.

(6) Violations of Law and Rule of Conduct Violations. Students who commit offenses against the laws of municipalities, states, or the United States are subject to prosecution by those authorities and may be subject to disciplinary action by the University when their conduct violates institutional standards. Students 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 Organization Conduct process is not a criminal or judicial proceeding and is designed to address registered student organization behavior as outlined in the Principles of Student Group Responsibility, above; therefore, alleged violations of the Organizational Rules of Conduct will be addressed independently of any penalty imposed by the courts for the criminal offense.

(7) Student Organizational Conduct Records

- (a) Maintenance of Records. A registered student organization's or other student group's conduct case record will be maintained in SCAI. The case record of a registered student organization found responsible for charge(s) against them, with sanctions less than organizational suspension or revocation, will generally be maintained in SCAI for seven years from the calendar year of record, after which they are destroyed. The case record of a registered student organization that has been suspended or whose registration has been revoked will be permanently maintained by SCAI.
- (b) Release of Records. The release of registered student organization and other student group disciplinary records will be governed by applicable federal and state laws regarding the privacy of education records.

Authority: BOG Regulations 1.001 and 6.0105. History – New 10-16-09. Amended 7-19-12, 9- 3-13, 10-29-15, 7-28-16, 7-20-17, 6-18-20, ____ 21.