

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: September 18, 2020

REGULATION TITLE:
Organizational Rules of Conduct

REGULATION NO.:
UCF-5.012

SUMMARY OF PROPOSED REGULATION AMENDMENT: This regulation, which sets out the rules of conduct for student organization at the university, is amended to update the description of discriminatory harassment, and to set complicity as its own rule of conduct by moving the language from the introduction to the rules. Additionally, definitions of consent and sexual contact are moved out of this rule to Regulation UCF-5.006. Other sex-based misconduct provisions are updated.

AUTHORITY: BOG Regulations 1.001 and 6.0105

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:
Michael Gilmer, Director of Student Conduct & 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
e-mail: regulations@ucf.edu

FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-5.012 Organizational Rules of Conduct

Registered student organizations are expected to abide by these Organizational Rules of Conduct, and administrators and faculty are expected to enforce them. The prohibition on hazing found in Section (10), below, shall apply equally to registered student organizations and other student groups, whether or not officially recognized by the University. These rules should be read broadly and are not intended to define prohibited conduct in exhaustive terms. These rules may be revised during the year; announcements will be made on adoption of 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, including when students come together as a student group; accordingly, the rules below will not be used to impose discipline for a student group's lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in other University regulations or policies and student groups are expected to follow those restrictions. The following is a non-exhaustive list of prohibited conduct for which disciplinary action may be taken at the University of Central Florida. ~~The following offenses, or the aiding, assisting, condoning, or attempting to commit these offenses, constitute violations of the Organizational Rules of Conduct.~~

(1) Theft, Disregard for Property

- (a) Malicious or unwarranted damage or destruction of another's property;
- (b) Taking, attempting to take, or keeping in its possession property or services not belonging to the registered student organization.
- (c) Misuse or mishandling of organizational funds by any officer, member, or other individual.

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

- (a) Withholding related information, or furnishing false, misleading, incomplete, or incorrect information (oral or written).
- (b) Possession, use or attempted use of any form of fraudulent identification.
- (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, the student conduct review process, including knowingly initiating a false complaint

(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) Obstructing the free movement of other students around the campus, interfering with the use of University facilities, preventing the normal operation of the University; or conducting any event that interferes with the normal progress of academic events on campus.
- (c) Engaging in obscene or indecent conduct.
- (d) Failure to comply with the administrative policies as enacted by the University.
- (e) Failure to comply with the directions of University officials or authorized agents acting in the performance of their duties. Registered student organization officers and members shall comply with all directions or requests of University officials, University police officers or authorized agents in a timely manner.
- (f) Hindering or interfering with the Organizational 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 Organizational Conduct Review Process.
- (g) Participating in any event with a registered student organization that is currently on Organizational Disciplinary Probation (with restrictive conditions) or Organizational Deferred Suspension (with restrictive conditions), is currently suspended, or that has had their UCF registration revoked.
- (i) Failure to comply with any other University regulation or policy as described in the UCF Regulations, UCF Policies and Procedures, or University department publicized policy.

(4) Harmful Behavior

- (a) Physical violence towards another person or group.
- (b) Discriminatory Harassment: Discriminatory harassment consists of verbal, physical, electronic or other conduct based upon 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 meeting the description of either Hostile Environment Harassment or Quid Pro Quo Harassment, as defined in University Policy 2-004 Prohibition of Discrimination, Harassment, and Related Interpersonal

~~Violence. Defined as verbal, physical, electronic, or other conduct based on a protected category (such as race, color, religion, national origin, et al.) which, due to the severity and pervasiveness of the conduct and its targeted nature on the basis of a protected category, (i) has the purpose or effect of creating an objectively intimidating, hostile or offensive educational or work environment; and (ii) has the purpose or effect of unreasonably interfering with an individual's schooling or employment with the University. Harassment under this provision is conduct that would constitute harassment under federal or state civil rights laws, University Regulation UCF 3.001, or University Policy 2-004.1 Prohibition of Discrimination, Harassment and Related Interpersonal Violence.~~

- (c) 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 his or her 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.
 - (d) Verbal, digital, or written abuse, threats, intimidation, coercion and/or other conduct that endangers the health, safety or well-being of another person or group, 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.
 - (e) Failure to respect the privacy of other individuals.
 - (f) Retaliation against or harassment of Complainant(s), other person(s) alleging misconduct, or anyone who participates in an investigation of harassment.
 - (g) Condoning or encouraging acts of harmful behavior as defined above or failing to intervene on an act of harmful behavior while it is occurring.
- (5) Sex-Based Misconduct and/or Interpersonal Violence
- (a) ~~Noneconsensual Sexual Con~~Assault. ~~duet~~—Sexual assault means sexual contact without consent. Any noneconsensual sexual contact which occurs on or off the UCF campus. Consent and sexual contact are defined in UCF-5.006(3).

~~1. Consent is 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 further consent.~~

~~a. Responsibilities — It is the responsibility of the initiator to obtain consent at each stage of sexual involvement.~~

~~b. 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.~~

~~c. Incapacitation — Incapacitation is a state where an individual cannot make rational, reasonable decisions because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is take 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 fact, nature, or extent of the sexual interaction.~~

~~d. Duration of Consent — Consent must be ongoing throughout sexual activity, for each sexual act, and can be withdrawn at any time.~~

~~i. 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.~~

~~ii. 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.~~

~~iii. 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.~~

~~e. Scope of Consent — Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.~~

~~2. Sexual Contact — includes but is not limited to the following behaviors:~~

~~a. Touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; and/or~~

~~b. 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~~

~~c. contact, however slight, between the anus or sex organ of one individual and any other object.~~

- (b) Sexual Harassment: Sexual harassment means is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions for Discriminatory Harassment as defined in UCF Policy 2-004 Section (4)(b) are present. ~~This is conduct that would constitute sexual harassment under federal or state civil rights laws, University Regulation UCF 3.001, or University Policy 2-004.1 Prohibition of Discrimination, Harassment and Related Interpersonal Violence.~~ Sexual Harassment may include inappropriate touching, acts of sexual violence, suggestive comments and public display of pornographic or suggestive calendars, posters, or signs where such images are not connected to any academic purpose. A single incident of nonconsensual sexual contact (as defined above) may be sufficiently severe to constitute sexual harassment.

- (c) Gender-Based Harassment: Gender-based harassment is dDiscriminatory 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, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions for Discriminatory Harassment as defined in UCF Policy 2-004 Section (4)(b) 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
- (h) Stalking: Stalking occurs ~~when a person engages in~~when there is a coordinated course of conduct 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 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.

- (i) Sexual Exploitation: Sexual Exploitation is purposely or knowingly doing or attempting to do any of the following:
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.~~
- ~~(j) Complicity: Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act prohibited by the Section (5).~~
- (jk) Any attempted acts of Sex-Based Misconduct~~sexual misconduct and/or interpersonal violence defined above~~assault are also violations of this policy.

(6) Alcohol Related Misconduct

- (a) Use and/or possession of alcoholic beverages, except as expressly permitted by law and University regulations/policies.
- (b) Sale and/or distribution of alcoholic beverages, except as expressly permitted by the law and University regulations/policies.
- (c) Furnishing or causing to be furnished any alcoholic beverage to any person under the legal drinking age.
- (d) Behavior under the influence of alcohol.
- (e) Furnishing or causing to be furnished any alcoholic beverage to any person in a state of noticeable intoxication.
- (f) Failure of a registered student organization to take all necessary steps to see that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors or within any property or transportation it owns, operates, and/or rents.

NOTE: Registered student organizations may be eligible for exemptions from disciplinary action when a representative of an organization at a registered student organizational event

calls for emergency assistance on behalf of a person experiencing an alcohol related emergency. Information regarding exemptions under this rule for alcohol related emergencies can be found in University Regulation UCF–5.011 and the Student Conduct & Academic Integrity website: <http://osc.sdes.ucf.edu/medicalemergencies>.

(7) Drug Related Misconduct

- (a) Unlawful use and/or possession of any narcotic or other controlled substances, and possession and/or use of drug paraphernalia.
- (b) Sale and/or distribution of any narcotic or other controlled substances.
- (c) Cultivation and/or manufacture of any narcotic or other controlled substances.
- (d) Attempt to obtain any narcotic or other controlled substances, except as expressly permitted by law.

NOTE: Registered student organizations may be eligible for exemptions from disciplinary action when a representative of an organization at a registered student organizational event calls for emergency assistance on behalf of a person experiencing a drug related emergency. Information regarding exemptions under this rule for drug related emergencies can be found in University Regulation UCF – 5.011 and the Student Conduct and Academic Integrity website: <http://osc.sdes.ucf.edu/medicalemergencies>.

(8) Unauthorized Entry. Unauthorized entry, attempted entry, or loitering in private or restricted areas that are owned and/or operated by the University.

(9) Gambling

- (a) Play or sponsor of an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a registered student organization.
- (b) Unlawful sale, barter, or disposition of a voucher or any item for participation in a scheme of chance by whatever name on University premises or at any activity sponsored by a registered student organization
- (c) Wagering on a University team or organization in a competition, with or without intent to have a direct influence in the success of the competition

(10) 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, or association or affiliation with, any registered student organization or other group whether or not officially recognized by the University. Hazing which violates 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 registered student organization or other student 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, liquor, liquid, 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 that could subject the individual to extreme mental or physical 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 or physical health or dignity of the individual.
- (d) Hazing includes forcing, pressuring, coercing, or requiring the violation of University policies, 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 a 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 group; 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.
- (h) All student groups, whether or not registered with the University and whether or not officially recognized by the University are subject to the same hazing prohibitions set out in this section (10). With regard to student groups that are not registered students organizations, and against which there is an allegation of hazing, the principles of group responsibility and scope provisions of University Regulation UCF-5.011(1)(b), (1)(c), and (4) shall apply, as well as the conduct proceeding procedures of University Regulation UCF-5.013.

(11) Outstanding Debt. Failure to pay on and off campus vendors in a timely manner. Groups shall not knowingly enter into purchase or rental agreements that are beyond the resources of the organization's ability to pay. The University will not cover outstanding debts of registered student organizations.

(12) Use of Facilities. Failure to comply with University regulations and procedures for campus events and/or use of campus facilities or grounds. Those individuals acting on behalf of an organization that reserve facilities should check with the University department or office responsible for the facility to guarantee that all procedures have been followed.

(13) Fire Safety and Sanitation

- (a) Tampering with or damage to fire safety equipment.
- (b) Causing, condoning, or encouraging the creation of any situation involving incendiary or other chemicals or substances, explosives, or fire that reasonably may result in danger to another's person or property.
- (c) Possession or use of illegal fireworks, incendiary devices, or dangerous explosives.
- (d) Failure to properly maintain a registered student organization's facilities or property (or surrounding property) such that a potential danger to the health and safety of the occupants or members of the University and surrounding community is created.

(14) Advertising

- (a) Origination or circulation of any advertising media that contains matter that violates federal, state and/or local laws.

- (b) Origination or circulation of any advertising media containing false or misleading information.

(15) Solicitation and Fundraising. Failure to comply with applicable law and University regulations and procedures for solicitation and fundraising activities on campus.

(16) University Wordmark Violations. Unauthorized use of the University's name, abbreviation, trademarks or wordmarks, including the Pegasus, monograms, seal, or other graphic identity symbols. The phrases "UCF" or "University of Central Florida" (or some form thereof) cannot precede the title of the organization. This section refers to but is not limited to, the registered student organization's: domain name, web address, promotional materials, and uniforms/shirts.

(17) Academic Misconduct

- (a) Unauthorized academic assistance: Using or attempting to use unauthorized materials, information or study aids in any academic exercise unless specifically authorized by the instructor of record.
- (b) The unauthorized possession of examination or course related material.
- (c) Commercial Use of Academic Material: Selling of course material to another person, student, 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, handouts, etc.
- (d) Knowingly helping any student violate academic behavior standards.

(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) Complicity. The following offenses, or the aiding, assisting, condoning, or attempting to commit these offenses, constitute violations of the Organizational Rules of Conduct.

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, 7-19-18, 7-18-19, 6-18-20, _____-20.