

## NOTICE OF PROPOSED REGULATION AMENDMENT

**Date:** August 26, 2022

**REGULATION TITLE:**  
Organizational Rules of Conduct

**REGULATION NO.:**  
UCF-5.012

**SUMMARY OF PROPOSED REGULATION AMENDMENT:** This regulation sets out the rules of conduct for student organizations at the university. The proposed amendments serve to: include the updated definition of harassment proposed in UCF-3.001 Non-Discrimination; Affirmative Action Programs; update the definition of stalking (pursuant to Title IX and VAWA); and reorganize the sexual exploitation offenses to be consistent with the University's Nondiscrimination Policy and the proposed revisions to UCF-5.008. The revisions also propose to modify the provision related to complicity to prohibit instead acts that aid and abet the violation of rules.

**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  
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**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 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.

**(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**

- (a) Withholding related information, or furnishing false, misleading, incomplete, or incorrect 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 an individual or organization.
- (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) 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) Any act that intentionally interferes with an election process of any University registered or sponsored student organization.
- (d) Engaging in obscene or indecent conduct.
- (e) Failure to comply with the administrative policies as enacted by the University.
- (f) 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.

- (g) 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.
- (h) 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. This harmful behavior policy may not apply in those instances where it is found that a student(s) is acting in self-defense.
- (b) ~~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 meetsing the description of either Hostile Environment Harassment or Quid Pro Quo Harassment, as defined in University's Nondiscrimination Policy (No. 2-004) 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.~~

## (5) Sex-Based Misconduct

- (a) Sexual Assault. Sexual assault means sexual contact without consent.
- (b) Sexual Harassment: Sexual harassment means any unwelcome sexual advance, 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 unlawful harassment is ~~discriminatory~~ 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) Sexual Exploitation – Purposely or knowingly doing or attempting to do any of the following:
  - 1. ~~Obscene or Indecent Behavior~~—Exposing ~~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. ~~(e) Voyeurism, including—~~ Trespassing, spying, or eavesdropping for the purpose of sexual gratification.
  - 3. ~~(f) Solicitation of a Minor~~—Soliciting sexual acts from a minor by oral, written, or electronic means.
  - 4. ~~(g) Child Pornography~~—Possessing, producing or the disseminating ~~of~~ 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.
- (~~eh~~) Stalking: Stalking occurs 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.~~

~~(j)~~ Any attempted acts of Sex-Based Misconduct 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) Misconduct 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://scai.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://scai.sdes.ucf.edu/medicalemergencies>.

**(8) Unauthorized Entry** Unauthorized entry, attempted entry, or loitering in private or restricted areas.

**(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 or sponsored 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 or sponsored 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, life safety, or security 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) 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 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, 10-22-20, 12-3-20, 9-23-21, \_\_\_-22.*